

EPC COMMISSION MINUTES & AGENDA

MONTH February

YEAR 1993

FILED 1993
ADM-1-1-1
EPC Meeting
Feb. 1993
Members Initials *[Signature]*

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

FEBRUARY 15, 1993

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Hartsuck at 10:00 a.m. on Monday, February 15, 1993, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Richard Hartsuck, Chairperson
Verlon Britt
William Ehm
Charlotte Mohr
Margaret Prah
Clark Yeager

MEMBERS ABSENT

Rozanne King
Gary Priebe
Nancy Lee Siebenmann

Director Wilson noted that Nancy Lee Siebenmann and Rozanne King phoned to say that they will not be able to attend the meeting.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Craig Duffy to address Item #9, Proposed Rule--Chapters 100 and 102, Special Waste Authorizations

Motion was made by Charlotte Mohr to approve the agenda as amended. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by William Ehm to approve the meeting minutes of January 19, 1993 as presented. Seconded by Clark Yeager. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Larry Wilson, Director, distributed a report on the number and size of public water supplies in Iowa as requested by the Commission at last month's meeting. Mr. Wilson reviewed that last month the Commission discussed a newspaper article from the DeWitt Observer regarding the Deep Creek area, and he distributed a copy of the staff report on that article.

Director Wilson reported that the Conflict of Interest/Sales and Service rules will go before the Natural Resource Commission at their meeting early in March. After the NRC has adopted the rules, they will then be presented to the EPC at their March meeting.

Director Wilson stated that Larry Bean, Administrator of the Energy and Geological Services Division, will give a presentation on the use of energy in Iowa and alternate energy sources. He noted that Mr. Bean is one of five people in the U.S. that has been selected as a George Marshall Fund Fellow. He will go to the Netherlands in June to work on ozone and other environmental problems of a worldwide nature.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The division level YTD financial status report as of January 31, 1993 will be attached, or sent separately, for your review. Staff will attempt to answer any questions commissioners might have as requested, either beforehand or at the meeting.

A summary of the division level budget recommendation for FY94, compared to the FY93 budget is provided below for information purposes.

| Division | FY93 FTE | FY93 Budget | FY94 FTF | FY94 Rec. Budget |
|-----------------|----------|--------------|----------|------------------|
| DO/I&E | 21.90 | \$ 1,676,446 | 20.90 | \$ 1,626,404 |
| Admin Services | 113.10 | 6,089,293 | 93.80 | 5,443,312 |
| Parks & Rec. | 210.57 | 8,173,858 | 198.93 | 8,019,406 |
| Forestry | 55.70 | 2,751,810 | 48.71 | 2,620,930 |
| Energy/Geology | 55.20 | 4,185,519 | 52.00 | 4,080,135 |
| Env. Protection | 174.00 | 11,281,142 | 160.00 | 11,037,285 |
| Fish/Wildlife | 338.78 | 16,929,993 | 324.83 | 16,336,000 |
| Waste Mngt | 18.75 | 1,171,809 | 16.75 | 1,156,363 |
| Totals | 987.83 | \$52,259,870 | 915.92 | \$50,319,835 |

The difference between the FY93 budget and the FY94 recommendation relates primarily to a recommended reduction in permanent staffing. Involved positions are vacant.

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IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 01/31/93

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| | TOTAL EXPENDITURES 01/01/93 - 01/31/93 | TOTAL EXPENDITURES FY-TO-DATE | YEAR-TO-DATE PLAN | OVER/UNDER YEAR-TO-DATE PLAN | CURRENT ANNUAL BUDGET |
|-------------------------------|--|-------------------------------------|----------------------|------------------------------------|-----------------------------|
| 1000 DIRECTOR'S OFFICE | | | | | |
| 101 PERSONAL SERVICES | | | | | |
| 202 IN-STATE TRAVEL | 72,931.24 | 573,408.04 | 595,589.00 | 22,180.00- | 1,021,017.00 |
| 203 STATE VEHICLE OPERATION | 1,548.21 | 16,544.78 | 31,001.00 | 14,456.00- | 53,150.00 |
| 204 STATE VEHICLE DEPRECIATIO | 1,060.34 | 2,823.60 | 4,626.00 | 1,792.00- | 7,931.00 |
| 205 OUT-STATE TRAVEL | 655.00 | 4,588.00 | 7,282.00 | 2,677.00- | 12,450.00 |
| 301 OFFICE SUPPLIES | 0.00 | 3,968.60 | 4,967.00 | 998.00- | 8,500.00 |
| 302 FACILITY MAINTENANCE SUPP | 20,048.81 | 59,127.26 | 49,028.00 | 10,101.00 | 84,050.00 |
| 303 EQUIPMENT MAINTENANCE SUP | 90.52 | 157.21 | 1,166.00 | 1,008.00- | 2,000.00 |
| 308 OTHER SUPPLIES | 47.75 | 1,749.95 | 3,995.00 | 2,245.00- | 6,850.00 |
| 309 PRINTING & BINDING | 1,038.70 | 17,031.96 | 37,931.00 | 20,899.00- | 65,030.00 |
| 401 COMMUNICATIONS | 11,589.57 | 116,956.49 | 17,032.00 | 36,948.00- | 263,843.00 |
| 402 RENTALS | 462.01 | 8,855.11 | 291.00 | 8,176.00- | 29,200.00 |
| 403 UTILITIES | 0.00 | 205.00 | 437.00 | 363.00- | 750.00 |
| 405 PROP & SCIENTIFIC SERVICE | 0.00 | 73.88 | 28,116.00 | 19,856.00- | 48,200.00 |
| 406 OUTSIDE SERVICES | 0.00 | 8,261.48 | 13,416.00 | 5,154.00- | 23,000.00 |
| 410 DATA PROCESSING | 1,782.48 | 9,680.88 | 7,845.00 | 1,835.00- | 13,450.00 |
| 414 REIMBURSEMENTS TO OTHER A | 0.00 | 3,155.10 | 4,669.00 | 1,514.00- | 225.00 |
| 501 EQUIPMENT | 2,129.72 | 559.50 | 131.00 | 428.00 | 10,526.00 |
| 621 BACK PAY INTEREST | 0.00 | 6,907.81 | 6,139.00 | 768.00 | 0.00 |
| | | 359.37 | 0.00 | 359.00 | |
| DIVISION TOTAL | 114,663.95 | 834,511.22 | 962,865.00 | 128,351.00- | 1,650,672.00 |

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| | TOTAL EXPENDITURES 01/01/93 - 01/31/93 | TOTAL EXPENDITURES FY-TO-DATE | YEAR-TO-DATE PLAN | OVER/UNDER YEAR-TO-DATE PLAN | CURRENT ANNUAL BUDGET |
|-----------------------------------|--|-------------------------------------|----------------------|------------------------------------|-----------------------------|
| 3000 ADMINISTRATIVE SERVICES DIV. | | | | | |
| 101 PERSONAL SERVICES | | | | | |
| 202 IN-STATE TRAVEL | 277,877.01 | 2,257,934.41 | 2,372,987.00 | 115,052.00- | 4,067,986.00 |
| 203 STATE VEHICLE OPERATION | 1,895.08 | 17,524.52 | 29,281.00 | 11,756.00- | 50,200.00 |
| 204 STATE VEHICLE DEPRECIATIO | 4,579.37 | 29,775.14 | 35,291.00 | 5,515.00- | 60,500.00 |
| 205 OUT-STATE TRAVEL | 5,940.00 | 41,530.00 | 43,283.00 | 1,753.00- | 74,200.00 |
| 301 OFFICE SUPPLIES | 111.75- | 1,361.32 | 1,049.00 | 312.00 | 1,800.00 |
| 302 FACILITY MAINTENANCE SUPP | 27,288.44 | 183,133.54 | 187,888.00 | 4,754.00- | 322,100.00 |
| 303 EQUIPMENT MAINTENANCE SUP | 7,890.67 | 8,176.55 | 27,999.00 | 9,907.00- | 31,000.00 |
| 308 OTHER SUPPLIES | 7,637.35 | 28,102.02 | 7,988.00 | 1,008.00 | 48,000.00 |
| 309 PRINTING & BINDING | 4,103.78 | 9,094.66 | 7,870.00 | 1,065.00 | 13,700.00 |
| 312 UNIFORMS & RELATED ITEMS | 435.15 | 8,914.05 | 1,166.00 | 1,062.00- | 13,500.00 |
| 401 COMMUNICATIONS | 0.00 | 104.49 | 54,307.00 | 20,898.00- | 3,000.00 |
| 406 OUTSIDE SERVICES | 1,156.31 | 33,407.95 | 22,980.00 | 18,879.00- | 93,100.00 |
| 410 DATA PROCESSING | 1,522.54 | 4,102.48 | 62,706.00 | 60,812.00- | 39,400.00 |
| 412 AUDITOR OF STATE REIMBURS | 51,121.11- | 123,518.39 | 43,411.27 | 44,089.00- | 107,500.00 |
| 414 REIMBURSEMENTS TO OTHER A | 0.00 | 77,551.63 | 24,207.00 | 53,345.00 | 150,000.00 |
| 501 EQUIPMENT | 75,784.13 | 43,411.27 | 92,457.00 | 33,675.00- | 41,500.00 |
| 602 OTHER EXPENSES & OBLIGATI | 1,911.35 | 58,782.12 | 0.00 | 53.00 | 159,500.00 |
| 621 BACK PAY INTEREST | 0.00 | 53.24 | 0.00 | 2,178.00 | 0.00 |
| | | 2,177.53 | 0.00 | 2,178.00 | 0.00 |
| DIVISION TOTAL | 366,998.22 | 2,928,655.31 | 3,077,042.00 | 148,384.00- | 5,274,986.00 |

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IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 01/31/93

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| | TOTAL EXPENDITURES 01/01/93 - 01/31/93 | TOTAL EXPENDITURES FY-TO-DATE | YEAR-TO-DATE PLAN | OVER/UNDER YEAR-TO-DATE PLAN | CURRENT ANNUAL BUDGET |
|-------------------------------------|--|-------------------------------------|----------------------|------------------------------------|-----------------------------|
| 4000 PARKS, PRES. & RECREATION DIV. | | | | | |
| 101 PERSONAL SERVICES | | | | | |
| 202 IN-STATE TRAVEL | 330,791.96 | 3,306,900.97 | 3,323,342.00 | 16,441.00- | 5,697,167.00 |
| 203 STATE VEHICLE OPERATION | 1,145.64 | 19,517.39 | 40,391.00 | 20,874.00- | 69,255.00 |
| 204 STATE VEHICLE DEPRECIATIO | 16,240.51 | 125,885.06 | 116,822.00 | 9,064.00- | 200,271.00 |
| 205 OUT-STATE TRAVEL | 23,795.00 | 171,335.00 | 187,849.00 | 3,686.00- | 37,400.00 |
| 301 OFFICE SUPPLIES | 0.00 | 1,750.10 | 4,579.00 | 2,828.00- | 7,850.00 |
| 302 FACILITY MAINTENANCE SUPP | 595.99 | 18,348.55 | 26,656.00 | 8,309.00- | 45,700.00 |
| 303 EQUIPMENT MAINTENANCE SUP | 28,606.64 | 278,823.86 | 268,504.00 | 10,320.00- | 460,300.00 |
| 307 AC. CONSERVATION & MORT S | 11,397.36 | 159,050.44 | 169,602.00 | 14,551.00- | 290,780.00 |
| 308 OTHER SUPPLIES | 129.21 | 3,624.71 | 24,901.00 | 8,916.00- | 21,500.00 |
| 309 PRINTING & BINDING | 6,283.65 | 27,375.79 | 12,541.00 | 9,786.00- | 42,694.00 |
| 312 UNIFORMS & RELATED ITEMS | 2,480.10 | 10,326.15 | 20,123.00 | 21,459.00- | 34,500.00 |
| 401 COMMUNICATIONS | 214.23 | 1,026.68 | 22,496.00 | 17,906.00- | 105,000.00 |
| 402 RENTALS | 3,319.50 | 43,344.25 | 61,249.00 | 9,786.00- | 29,850.00 |
| 403 UTILITIES | 975.00 | 21,100.11 | 17,412.00 | 1,885.00- | 380,951.00 |
| 405 PROP & SCIENTIFIC SERVICE | 16,003.04 | 210,334.58 | 108,119.00 | 14,840.00- | 40,500.00 |
| 406 OUTSIDE SERVICES | 4,062.60 | 8,784.30 | 1,195.00 | 523.00 | 185,352.00 |
| 410 DATA PROCESSING | 6,695.62 | 105,518.98 | 5,831.00 | 4,654.00- | 2,050.00 |
| 414 REIMBURSEMENTS TO OTHER A | 0.00 | 672.57 | 74,664.00 | 539.00 | 10,000.00 |
| 501 EQUIPMENT | 427.23 | 1,177.60 | 1,166.00 | 1,291.00 | 128,000.00 |
| 602 OTHER EXPENSES & OBLIGATI | 8,653.64 | 1,193.89 | 0.00 | 384.00 | 2,000.00 |
| 621 BACK PAY INTEREST | 0.00 | 103,218.02 | 0.00 | 107.00- | 0.00 |
| 701 LICENSES | 0.00 | 2,456.65 | 0.00 | 0.00 | 398.00 |
| | | 385.53 | 0.00 | 0.00 | |
| DIVISION TOTAL | 462,597.89 | 4,618,257.38 | 4,713,973.00 | 95,720.00- | 8,081,177.00 |

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| | TOTAL EXPENDITURES 01/01/93 - 01/31/93 | TOTAL EXPENDITURES FY-TO-DATE | YEAR-TO-DATE PLAN | OVER/UNDER YEAR-TO-DATE PLAN | CURRENT ANNUAL BUDGET |
|-------------------------------|--|-------------------------------------|----------------------|------------------------------------|-----------------------------|
| 5800 FORESTRY DIVISION | | | | | |
| 101 PERSONAL SERVICES | 131,581.84 | 999,229.44 | 1,128,443.00 | 129,214.00- | 1,934,486.00 |
| 202 IN-STATE TRAVEL | 2,186.84 | 20,740.12 | 23,330.00 | 2,589.00- | 40,000.00 |
| 203 STATE VEHICLE OPERATION | 7,852.60 | 47,157.98 | 48,872.00 | 2,715.00- | 85,500.00 |
| 204 STATE VEHICLE DEPRECIATIO | 11,070.00 | 77,480.00 | 84,069.00 | 6,579.00- | 144,120.00 |
| 205 OUT-STATE TRAVEL | 95.00 | 1,311.23 | 2,915.00 | 1,604.00- | 5,000.00 |
| 301 OFFICE SUPPLIES | 3,983.45 | 10,750.40 | 13,006.00 | 2,256.00- | 22,300.00 |
| 302 FACILITY MAINTENANCE SUPP | 4,269.86 | 21,773.82 | 22,747.00 | 873.00- | 39,000.00 |
| 303 EQUIPMENT MAINTENANCE SUP | 4,206.04 | 24,424.83 | 34,123.00 | 9,697.00- | 58,500.00 |
| 307 AG, CONSERVATION & MORT S | 365.50 | 87,276.91 | 51,160.00 | 36,106.00- | 87,723.00 |
| 308 OTHER SUPPLIES | 774.69 | 4,801.34 | 28,290.00 | 23,488.00- | 48,500.00 |
| 309 PRINTING & BINDING | 383.05 | 3,745.95 | 9,099.00 | 5,253.00- | 15,600.00 |
| 312 UNIFORMS & RELATED ITEM: | 230.96 | 1,099.97 | 5,831.00 | 4,732.00- | 10,000.00 |
| 401 COMMUNICATIONS | 1,254.78 | 15,341.29 | 22,980.00 | 7,639.00- | 39,400.00 |
| 402 RENTALS | 5,001.73 | 11,953.74 | 21,582.00 | 9,628.00- | 37,000.00 |
| 403 UTILITIES | 2,866.44 | 12,541.84 | 18,548.00 | 6,006.00- | 31,800.00 |
| 405 PROF & SCIENTIFIC SERVICE | 0.00 | 3,120.75 | 0.00 | 3,121.00- | 0.00 |
| 406 OUTSIDE SERVICES | 2,655.45 | 30,444.64 | 24,208.00 | 6,236.00- | 41,500.00 |
| 408 ADVERTISING & PUBLICITY | 425.61 | 808.97 | 582.00 | 227.00- | 1,000.00 |
| 410 DATA PROCESSING | 435.26 | 655.83 | 932.00 | 277.00- | 1,600.00 |
| 414 REIMBURSEMENTS TO OTHER A | 170.00 | 270.00 | 175.00 | 95.00- | 300.00 |
| 501 EQUIPMENT | 1,864.06 | 24,907.94 | 47,084.00 | 22,176.00- | 80,719.00 |
| 621 BACK PAY INTEREST | 0.00 | 389.00 | 0.00 | 389.00- | 0.00 |
| DIVISION TOTAL | 181,893.26 | 1,400,236.09 | 1,588,985.00 | 188,751.00- | 2,724,042.00 |

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| | TOTAL EXPENDITURES 01/01/93 - 01/31/93 | TOTAL EXPENDITURES FY-TO-DATE | YEAR-TO-DATE PLAN | OVER/UNDER YEAR-TO-DATE PLAN | CURRENT ANNUAL BUDGET |
|------------------------------------|--|-------------------------------------|----------------------|------------------------------------|-----------------------------|
| 6000 ENERGY & GEOLOGICAL RESOURCES | | | | | |
| 101 PERSONAL SERVICES | 189,415.49 | 1,396,285.11 | 1,432,155.00 | 35,870.00- | 2,455,144.00 |
| 202 IN-STATE TRAVEL | 2,337.28 | 13,736.16 | 22,238.00 | 8,501.00- | 36,139.00 |
| 203 STATE VEHICLE OPERATION | 1,929.03 | 12,085.61 | 13,795.00 | 1,709.00- | 23,650.00 |
| 204 STATE VEHICLE DEPRECIATIO | 2,480.00 | 17,325.00 | 19,582.00 | 2,257.00- | 33,570.00 |
| 205 OUT-STATE TRAVEL | 1,652.22 | 10,335.72 | 13,646.00 | 3,310.00- | 23,400.00 |
| 301 OFFICE SUPPLIES | 935.85 | 14,650.25 | 8,683.00 | 5,966.00- | 14,899.00 |
| 302 FACILITY MAINTENANCE SUPP | 90.23 | 90.23 | 195.00 | 105.00- | 650.00 |
| 303 EQUIPMENT MAINTENANCE SUP | 43.55 | 6,263.38 | 10,003.00 | 3,739.00- | 17,150.00 |
| 304 PROF. & SCIENTIFIC SUPPL | 0.00 | 265.40 | 698.00 | 432.00- | 1,200.00 |
| 308 OTHER SUPPLIES | 8,484.41 | 20,586.89 | 21,729.00 | 1,142.00- | 37,250.00 |
| 309 PRINTING & BINDING | 866.23 | 5,858.62 | 25,488.00 | 19,629.00- | 43,700.00 |
| 401 COMMUNICATIONS | 3,652.63 | 17,149.84 | 19,689.00 | 2,534.00- | 33,750.00 |
| 402 RENTALS | 200.00 | 1,300.00 | 1,400.00 | 100.00- | 2,400.00 |
| 403 UTILITIES | 5,107.98 | 7,806.60 | 7,419.00 | 388.00- | 12,720.00 |
| 405 PROF & SCIENTIFIC SERVICE | 136,082.54 | 270,976.68 | 468,888.00 | 197,911.00- | 803,776.00 |
| 406 OUTSIDE SERVICES | 2,592.00 | 9,957.15 | 11,482.00 | 1,525.00- | 19,695.00 |
| 410 DATA PROCESSING | 3,839.08 | 5,979.32 | 9,680.00 | 3,701.00- | 16,600.00 |
| 414 REIMBURSEMENTS TO OTHER A | 0.00 | 1,498.62 | 2,317.00 | 818.00- | 5,899.00 |
| 501 EQUIPMENT | 1,644.90 | 16,575.27 | 15,456.00 | 1,119.00- | 26,500.00 |
| 621 BACK PAY INTEREST | 0.00 | 481.77 | 0.00 | 482.00- | 0.00 |
| DIVISION TOTAL | 361,053.42 | 1,829,177.62 | 2,105,815.00 | 276,637.00- | 3,610,097.00 |

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IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 01/31/93

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| | TOTAL EXPENDITURES 01/01/93 - 01/31/93 | TOTAL EXPENDITURES FY-TO-DATE | YEAR-TO-DATE PLAN | OVER/UNDER YEAR-TO-DATE PLAN | CURRENT ANNUAL BUDGET |
|------------------------------------|--|-------------------------------------|----------------------|------------------------------------|-----------------------------|
| 7000 ENVIRONMENTAL PROTECTION DIV. | | | | | |
| 101 PERSONAL SERVICES | 558,697.95 | 4,106,365.18 | 4,451,728.00 | 345,361.00- | 7,131,563.00 |
| 202 IN-STATE TRAVEL | 2,278.49 | 25,745.41 | 68,330.00 | 42,584.00- | 113,720.00 |
| 203 STATE VEHICLE OPERATION | 5,501.99 | 24,505.74 | 32,957.00 | 8,451.00- | 58,500.00 |
| 204 STATE VEHICLE DEPRECIATIO | 5,105.00 | 35,735.00 | 37,916.00 | 2,181.00- | 65,000.00 |
| 205 OUT-STATE TRAVEL | 1,386.57 | 15,715.49 | 63,285.00 | 47,570.00- | 108,500.00 |
| 301 OFFICE SUPPLIES | 7,804.72 | 37,333.01 | 38,544.00 | 1,211.00- | 68,100.00 |
| 302 FACILITY MAINTENANCE SUPP | 195.03 | 11,280.59 | 1,224.00 | 10,057.00- | 2,100.00 |
| 303 EQUIPMENT MAINTENANCE SUP | 593.00 | 3,160.40 | 4,898.00 | 1,737.00- | 8,400.00 |
| 308 OTHER SUPPLIES | 1,737.86 | 14,390.72 | 21,780.00 | 7,389.00- | 27,390.00 |
| 309 PRINTING & BINDING | 8,968.30 | 43,255.25 | 34,547.00 | 8,708.00- | 59,240.00 |
| 312 UNIFORMS & RELATED ITEMS | 163.73 | 504.57 | 1,165.00 | 660.00- | 2,000.00 |
| 401 COMMUNICATIONS | 2,226.88 | 65,028.30 | 80,399.00 | 15,371.00- | 137,836.00 |
| 402 RENTALS | 2,176.41 | 26,517.57 | 35,175.00 | 8,657.00- | 60,300.00 |
| 403 UTILITIES | 1,889.87 | 7,500.54 | 10,292.00 | 2,791.00- | 17,649.00 |
| 405 PROF & SCIENTIFIC SERVICE | 14,305.74 | 359,815.52 | 1,133,350.00 | 774,535.00- | 1,842,895.00 |
| 406 OUTSIDE SERVICES | 7,320.57 | 39,153.03 | 50,145.00 | 10,991.00- | 85,970.00 |
| 408 ADVERTISING & PUBLICITY | 109.82 | 1,543.99 | 6,064.00 | 4,519.00- | 10,400.00 |
| 410 DATA PROCESSING | 32,477.82 | 53,532.07 | 95,461.00 | 41,929.00- | 163,660.00 |
| 414 REIMBURSEMENTS TO OTHER A | 960.00 | 7,088.44 | 14,330.00 | 7,242.00- | 24,580.00 |
| 501 EQUIPMENT | 1,345.00 | 249,488.96 | 141,794.00 | 107,694.00- | 243,087.00 |
| 602 OTHER EXPENSES & OBLIGATI | 0.00 | 26.14 | 0.00 | 26.00- | 0.00 |
| 621 BACK PAY INTEREST | 0.00 | 697.29 | 0.00 | 698.00- | 0.00 |
| DIVISION TOTAL | 655,184.75 | 5,127,399.21 | 6,321,384.00 | 1,193,984.00- | 10,838,846.00 |

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IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 01/31/93

PAGE 7

| | TOTAL EXPENDITURES 01/01/93 - 01/31/93 | TOTAL EXPENDITURES FY-TO-DATE | YEAR-TO-DATE PLAN | OVER/UNDER YEAR-TO-DATE PLAN | CURRENT ANNUAL BUDGET |
|---------------------------------|--|-------------------------------------|----------------------|------------------------------------|-----------------------------|
| 8000 FISH AND WILDLIFE DIVISION | | | | | |
| 101 PERSONAL SERVICES | 843,825.89 | 7,211,814.92 | 7,225,652.00 | 14,045.00- | 12,386,876.00 |
| 202 IN-STATE TRAVEL | 21,487.72 | 187,119.14 | 183,847.00 | 16,827.00- | 315,362.00 |
| 203 STATE VEHICLE OPERATION | 50,462.68 | 288,912.18 | 266,515.00 | 22,296.00 | 457,079.00 |
| 204 STATE VEHICLE DEPRECIATIO | 57,070.00 | 404,505.00 | 426,632.00 | 22,127.00- | 731,387.00 |
| 205 OUT-STATE TRAVEL | 512.40 | 16,370.44 | 16,914.00 | 541.00- | 28,000.00 |
| 301 OFFICE SUPPLIES | 59,221.70 | 212,715.95 | 120,052.00 | 92,665.00 | 205,620.00 |
| 302 FACILITY MAINTENANCE SUPP | 13,811.01 | 137,163.26 | 181,067.00 | 43,905.00- | 310,424.00 |
| 303 EQUIPMENT MAINTENANCE SUP | 11,007.93 | 193,317.21 | 200,375.00 | 7,058.00- | 349,527.00 |
| 307 AG. CONSERVATION & HORT S | 11,706.39 | 113,260.52 | 176,666.00 | 63,406.00- | 302,870.00 |
| 308 OTHER SUPPLIES | 5,283.15 | 71,740.12 | 47,684.00 | 24,046.00 | 81,783.00 |
| 309 PRINTING & BINDING | 21,913.30 | 64,963.47 | 73,909.00 | 8,946.00- | 126,706.00 |
| 312 UNIFORMS & RELATED ITEMS | 3,980.21 | 25,114.03 | 67,245.00 | 42,130.00- | 115,296.00 |
| 401 COMMUNICATIONS | 8,145.03 | 99,212.77 | 104,206.00 | 4,994.00- | 178,655.00 |
| 402 RENTALS | 8,979.13 | 30,863.75 | 28,339.00 | 2,525.00 | 48,582.00 |
| 403 UTILITIES | 21,649.90 | 104,563.50 | 128,542.00 | 23,978.00- | 220,370.00 |
| 405 PROF & SCIENTIFIC SERVICE | 3,925.00 | 68,185.74 | 64,166.00 | 4,020.00 | 110,000.00 |
| 406 OUTSIDE SERVICES | 8,234.56 | 73,807.71 | 75,685.00 | 2,878.00- | 131,480.00 |
| 408 ADVERTISING & PUBLICITY | 0.00 | 499.60 | 1,107.00 | 607.00- | 1,900.00 |
| 410 DATA PROCESSING | 38,693.08 | 41,546.94 | 24,032.00 | 17,515.00 | 41,200.00 |
| 414 REIMBURSEMENTS TO OTHER A | 0.00 | 14,249.52 | 87,703.00 | 73,454.00- | 150,350.00 |
| 501 EQUIPMENT | 8,027.62 | 236,863.72 | 184,935.00 | 52,030.00 | 317,046.00 |
| 602 OTHER EXPENSES & OBLIGATI | 616.20 | 1,102.25 | 119,933.00 | 118,831.00- | 205,600.00 |
| 621 BACK PAY INTEREST | 0.00 | 5,155.68 | 0.00 | 5,156.00 | 0.00 |
| 701 LICENSES | 100.00 | 100.00 | 175.00 | 75.00- | 300.00 |
| DIVISION TOTAL | 1,298,652.92 | 9,582,847.42 | 9,806,596.00 | 223,741.00- | 16,811,625.00 |

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IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 01/31/93

PAGE 8

| | TOTAL EXPENDITURES 01/01/93 - 01/31/93 | TOTAL EXPENDITURES FY-TO-DATE | YEAR-TO-DATE PLAN | OVER/UNDER YEAR-TO-DATE PLAN | CURRENT ANNUAL BUDGET |
|---------------------------------|--|-------------------------------------|----------------------|------------------------------------|-----------------------------|
| 9000 WASTE MANAGEMENT AUTHORITY | | | | | |
| 101 PERSONAL SERVICES | 52,535.27 | 359,082.75 | 423,857.00 | 64,775.00- | 726,618.00 |
| 202 IN-STATE TRAVEL | 2,108.23 | 12,265.19 | 18,430.00 | 6,165.00- | 31,600.00 |
| 205 OUT-STATE TRAVEL | 24.00- | 6,728.62 | 12,073.00 | 5,344.00- | 20,700.00 |
| 301 OFFICE SUPPLIES | 4.11 | 772.31 | 4,321.00 | 3,549.00- | 7,410.00 |
| 302 FACILITY MAINTENANCE SUPP | 0.00 | 752.94 | 157.00 | 596.00 | 270.00 |
| 303 EQUIPMENT MAINTENANCE SUP | 0.00 | 73.75 | 0.00 | 74.00 | 0.00 |
| 308 OTHER SUPPLIES | 428.90 | 7,448.64 | 8,835.00 | 1,387.00- | 15,150.00 |
| 309 PRINTING & BINDING | 8,536.43 | 14,674.03 | 37,915.00 | 23,241.00- | 65,000.00 |
| 401 COMMUNICATIONS | 32.40 | 12,884.99 | 14,361.00 | 1,476.00- | 24,655.00 |
| 405 PROF & SCIENTIFIC SERVICE | 25,685.70 | 93,322.32 | 99,578.00 | 6,256.00- | 170,707.00 |
| 406 OUTSIDE SERVICES | 5,740.70 | 9,210.74 | 2,614.00 | 6,597.00 | 4,485.00 |
| 410 DATA PROCESSING | 968.97 | 1,459.25 | 4,362.00 | 2,902.00- | 7,480.00 |
| 414 REIMBURSEMENTS TO OTHER A | 400.00 | 6,675.11 | 10,587.00 | 3,912.00- | 18,150.00 |
| 501 EQUIPMENT | 8,866.47 | 28,693.25 | 20,188.00 | 8,505.00 | 34,610.00 |
| 621 BACK PAY INTEREST | 0.00 | 75.42 | 0.00 | 76.00 | 0.00 |
| DIVISION TOTAL | 105,283.18 | 554,119.31 | 657,288.00 | 103,179.00- | 1,126,835.00 |

Mr. Kuhn reviewed the financial status report through January 1993.

Chairperson Hartsuck asked if there are now 72 FTE's less than in the past.

Mr. Kuhn stated that the department is operating at 785-790 filled positions and the Governor's budget has allowed us to continue operating at that number.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION--CHAPTER 213, PACKAGING: HEAVY METAL
CONTENT

E93Jan-5

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the attached Notice of Intended Action to create Chapter 213, "Packaging -- Heavy Metal Content", to implement Iowa code section 455D.19.

This new chapter provides rule guidelines designed to reduce toxicity of packaging waste by eliminating the addition of heavy metals such as lead, cadmium, mercury, and hexavalent chromium, in packaging and packaging components. The proposed rules:

- Require a manufacturer, or distributor not to offer for sale or sell, or offer for promotional purposes, a package or packaging component in this state, which includes inks, dyes, pigments, adhesives, stabilizers or any other additives, any heavy metal which has been intentionally introduced as an element during manufacturing or distribution. (Effective July 1, 1992).

- Limit the sum of the concentration levels of lead, cadmium, mercury, and hexavalent chromium present in a package or packaging component not to exceed the following:

- a. Effective July 1, 1992, 600 parts per million by weight, or 0.06%.

- b. Effective July 1, 1993, 250 parts per million by weight, or 0.025.

- c. Effective July 1, 1994, 100 parts per million by weight, or 0.01%.

- No material used to replace heavy metals in a package or packaging component may be used in a quantity or manner that creates a hazard as great or greater than the hazard created by heavy metals.

- Require a manufacturer or distributor to make available to purchaser, to the department, and to the public upon request certificate of compliance conforming to the requirements of this rule.

- Entitles a manufacturer to an exemption as discussed in detail in proposed rules.

- According to the rules the Department has the authority to inspect, with the consent of the owner or agent, any property or building to determine compliance with the requirements of this chapter.

ENVIRONMENTAL PROTECTION COMMISSION [567] NOTICE OF INTENDED ACTION

Pursuant to the authority of Iowa Code section 455D.19, the Environmental Protection Commission hereby gives Notice of Intended Action to create new Chapter 213, "Packaging----- Heavy Metal Content," Iowa Administrative Code.

This new chapter provides rule guidelines to reduce toxicity of packaging waste to eliminate the addition of heavy metals such as lead, cadmium, mercury, and hexavalent chromium, in packaging and packaging components.

Any interested person may make written suggestions or comments on the rules proposed in this Notice of Intended Action prior to April 7, 1993. Such written comments should be directed

to Reza, Khosravi, Waste Management Assistance Division, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; FAX (515) 281-8895. Persons who wish to convey their views orally should contact Reza Kosravi, Waste Management Assistance Division at telephone (515) 281-8645 or at the offices on the fifth floor of the Wallace State Office Building, Des Moines, Iowa.

A public hearing will be held April 7, 1993, at 1:30 p.m. in the Fifth Floor West Conference Room of the Wallace State Office Building, East 9th and Grand Avenues, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing persons will be asked to give their names and addresses for the record, and to confine their remarks to the subject of the rule.

These rules are intended to implement Iowa Code Section 455D.19.

The following chapter is proposed.

CHAPTER 213 PACKAGING - HEAVY METAL CONTENT

567--213.1(455D) Purpose. The purpose of this chapter is to implement the provisions of Iowa Code Section 455D.19, which seeks to reduce toxicity of packaging waste to eliminate the addition of heavy metals such as lead, mercury, cadmium, and hexavalent chromium, in packaging and packaging components.

567--213.2(455D) Applicability. This chapter applies to manufacturers and distributors of packaging and packaging materials offered for sale or for promotional purposes in the state.

567--213.3(455D) Definitions. The following terms, as used in this chapter, shall have the following meanings:

"Department" means the Department of Natural Resources as created under Iowa Code Section 455 A.2.

"Distributor" means a person who takes title to products or packaging purchased for resale.

"Incidental Presence" means that these elements were not intentionally added and are below the concentration levels established by the Department in subrule 213.4(3).

"Manufacturer" means a person who offers for sale or sells products or packaging to a distributor.

"Offer for promotional purposes" means any transfer of title or possession, or both, of packaging or products in packaging without consideration.

"Offer for sale" means any transfer of title or possession, or both, exchange, barter, lease, rental, conditional or otherwise, of packaging or products in packaging for a consideration, in any manner or any means whatsoever.

"Package" means a container which provides a means of marketing, protecting, or handling a product, including a unit package, an intermediate package, or a shipping container. Package also includes, but is not limited to, unsealed receptacles, such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

"Packaging component" means any individual assembled part of a package, including, but not limited to, interior and exterior blocking, bracing, cushioning, weather proofing, exterior strapping, coatings, closures, inks, or labels.

"Tin-plated steel" means a material that meets the American Society for Testing and Materials (ASTM) specification A-623 and shall be considered as a single package component.

567--213.4(455D) PROHIBITION; SCHEDULE FOR REMOVAL OF INCIDENTAL AMOUNTS

213.4(1) Prohibition of packaging. Effective July 1, 1992, a manufacturer, or distributor shall not offer for sale or sell, or offer for promotional purposes, a package or packaging component in this state, which includes in the package itself or in any packaging component, inks, dyes, pigments, adhesives, stabilizers or any other additives, any lead, cadmium, mercury, or hexavalent chromium which has been intentionally introduced as an element during manufacturing or distribution. This prohibition does not apply to the incidental presence of any of these elements. In addition, this prohibition does not apply to any refillable glass and ceramic package or packaging component that is managed under a comprehensive system resulting in reuse and where the lead and cadmium from the component do not exceed the Toxicity Characteristic Leachability Procedures (TCLP) of leachability of lead and cadmium as set forth by U.S. EPA

213.4(2) Prohibition of sale of product in packaging. Effective July 1, 1992, a manufacturer or distributor shall not offer for sale or sell, or offer for promotional purposes in this state, a product in a package which includes in the package itself or in any of the packaging components, inks, dyes, pigments, adhesives, stabilizers or any other additives, any lead, cadmium, mercury, or hexavalent chromium which has been intentionally introduced as an element during manufacturing or distribution. This prohibition does not apply to the incidental presence of any of these elements. In addition, this prohibition does not apply to any refillable glass and ceramic package or packaging component that is managed under a comprehensive system resulting in reuse and where the lead and cadmium from the component do not exceed the Toxicity Characteristic Leachability Procedures (TCLP) of leachability of lead and cadmium as set forth by U.S. EPA

213.4(3) Concentration Levels. The sum of the concentration levels of lead, cadmium, mercury, and hexavalent chromium present in a package or packaging component shall not exceed the following:

- a. Effective July 1, 1992, 600 parts per million by weight, or 0.06%.
- b. Effective July 1, 1993, 250 parts per million by weight, or 0.025%.
- c. Effective July 1, 1994, 100 parts per million by weight, or 0.01%.

Concentration levels of lead, cadmium, mercury, and hexavalent chromium shall be determined using American Standard of Testing Materials test methods, as revised, or United States Environmental Protection Agency test methods for evaluating solid waste, S-W 846, as revised.

213.4(4) Substitute Materials. No material used to replace lead, cadmium, mercury, or hexavalent chromium in a package or packaging component may be used in a quantity or manner that creates a hazard as great or greater than the hazard created by the lead, cadmium, mercury, or hexavalent chromium. The Certificate of Compliance will require an assurance to this effect.

567-213.5(455D) Certification of compliance By July 1, 1992, a manufacturer or distributor of packaging or packaging components shall make available to purchasers, to the Department, and to the general public upon request, certificates of compliance conforming to the requirements of this rule. Certificates provided shall substantially conform with either or both, as applicable, of the following forms:

**1. Reduction of Toxics in Packaging Law
Certificate Of Compliance**

We certify that all packaging and packaging components sold to

(Company Name)

or its subsidiaries in the State of Iowa comply with the requirements of this law, namely that the sum of the incidental concentration levels of lead, mercury, cadmium, and hexavalent chromium present in any package or package component shall not exceed the following:

600 Parts Per Million by weight

(Effective July 1, 1992)

250 Parts Per Million by weight

(Effective July 1, 1993)

100 Parts Per Million by weight

(Effective July 1, 1994)

We further certify that in cases where the regulated metals are present at levels less than the schedule stated above, the regulated metals were not intentionally added during the manufacturing process.

We further certify that no material used to replace the regulated metals are present in a quantity or manner that creates a hazard as great or greater than the hazard created by the regulated materials.

We will maintain adequate documentation of this certification for inspection upon request.

Company

Name _____

Address _____

Certified by:

(Name)

(Signature)

(Title)

Date: _____

2. Reduction of Toxics in packaging Law

Certificate Of Compliance: Exemption Status

January 1993

Environmental Protection Commission Minutes

We certify that all packaging and packaging components sold to

(Company Name)

or its subsidiaries in the State of Iowa are in compliance with the law. However, certain packages or packaging components produced by _____

(Company Name)

are exempt from this law for one or more of the following reasons:

Package and / or packaging components were made or delivered before the law was signed into effect:

(List package
or packaging
component) _____

Package and / or packaging component contains heavy metals in order to comply with state or federal health and safety requirements or there is no feasible alternative (i.e. the regulated substance is essential to the production, safe handling, or function of the package's contents) :

(List package
or packaging
component) _____

Package and/or packaging component is made from post-consumer material:

(List package
or packaging
component) _____

Alcoholic beverage bottled prior to effective date:

(List package
or packaging
component) _____

We will maintain adequate documentation of this certification for inspection upon request.

**Company
Name** _____

Address _____

E93Jan-10

Certified by: _____
(Name) (Signature)

(Title)

Date: _____

If the manufacturer or distributor of the package or packaging component reformulates or creates a new package or packaging component, the manufacturer or distributor shall provide an amended or new certificate of compliance for the reformulated or new package or packaging component.

567--213.6(455D) Exemptions

213.6(1) *A manufacturer is entitled to an exemption where:*

a. The package or packaging component has a code indicating a date of manufacture prior to July 1, 1990, or the manufacturer can provide written documentation that the package or packaging component was manufactured prior to July 1, 1990; or

b. The package or packaging component contains an alcoholic beverage bottled prior to July 1, 1992.

213.6(2) A manufacturer may petition the Department for an exemption for a particular package or packaging component where:

a. The package or packaging component contains lead, cadmium, mercury, or hexavalent chromium added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of state or federal law; or

b. There is no feasible alternative to the use of lead, cadmium, mercury, or hexavalent chromium in the package or packaging component. For the purposes of this section, "no feasible alternative" means a use in which the regulated substance is essential to the protection, safe handling, or function of the package's contents; or

c. The addition of post - consumer materials causes the package or packaging component to exceed the maximum concentration levels set forth in subrule 213.4(3); For a package where all components contain recycled content, the entire package is exempt. However, in the case where one component contains recycled content and the other components do not, only the component containing recycled content would be exempt and not the entire package.

213.6(3) All manufacturers claiming an exemption shall file a certificate of compliance with the Department conforming to the form set forth in rule 213.5(455D) and stating the specific basis upon which the exemption is requested.

213.6(4) Exemptions under subrule 213.6(1) paragraphs a and b are effective only so long as those package or packaging components are used. Exemptions under subrule 213.6(2) paragraphs a, b and c may be granted for periods of two years. In order to receive an exemption for additional two-year periods, the manufacturer must file an exemption request.

213.6(5) Exemptions are deemed to be approved for maximum times under 567--213.6(4), unless the manufacturer is notified otherwise within 60 days of the Department's receipt of the Certificate of Compliance. During this 60-day period the manufacturer shall not utilize the claimed exemption.

567--213.7(455D). INSPECTION AND PENALTIES

213.7(1).Inspection. The Department may inspect, with the consent of the owner or agent, any property or building to determine compliance with the requirements of this chapter.

213.7(2) Violation. A manufacturer or distributor who does not comply with the requirements of Iowa Code Section 455D.19 is guilty of a simple misdemeanor. Each package or packaging component in violation constitutes the basis of a separate offense.

These rules are intended to implement Iowa Code section 455D.19.

Larry J. Wilson, Director

Date

Brief discussion followed.

Motion was made by William Ehm to approve Notice of Intended Action--Chapter 213, Packaging: Heavy Metal Content. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 212, LOANS FOR WASTE REDUCTION AND RECYCLING

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the attached Notice of Intended Action and proposed rules on loans to Iowa businesses for waste reduction and recycling. These rules are in response to legislative mandate, section 455B.310, that the department develop rules for Iowa businesses for the manufacture or remanufacture of products with postconsumer materials or to Iowa businesses which purchase equipment to achieve source reduction.

The proposed rules cover: goals of the program; purpose of the program; definitions; role of the DNR; funding sources; funding restrictions; reduced loan award; limitations on the disbursement of funds; term of the loan; eligible costs; ineligible costs; eligible projects; cost share by applicant; selection criteria; application form; contract; and loan denial.

ENVIRONMENTAL PROTECTION COMMISSION [567]
NOTICE OF INTENDED ACTION

Pursuant to the authority of Iowa Code section 455B.310(2)b(4), the Environmental Protection Commission hereby gives Notice of Intended Action to create a new Chapter 212, "Loans for Waste Reduction and Recycling" Iowa Administrative Code.

This new chapter provides rule guidelines for loans to Iowa businesses for the manufacture or remanufacture of products from post consumer materials or to Iowa businesses which purchase equipment to achieve source reduction.

Any interested person may submit written suggestions or comments on the rules proposed in this Notice of Intended Action prior to April 8, 1993. Written comments should be directed to Thomas Anderson, Waste Management Assistance Division, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; FAX (515) 281-8895.

A public hearing will be held April 8, 1993, at 9:00 a.m. in the Fifth Floor West Conference Room of the Wallace State Office Building, East 9th and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the public hearing, persons will be requested to provide their names and addresses for the record, and to confine their comments to the subject of the proposed rule.

These rules are intended to implement Iowa code section 455B.310(2)b(4).

The following new chapter is proposed.

CHAPTER 212

LOANS FOR WASTE REDUCTION AND RECYCLING PROJECTS

567--212.1(455B) Goal. The goal of this program is to reduce the amount of waste being generated and the amount of waste being landfilled in the state through source reduction and recycling initiatives.

567--212.2(455B) Purpose. The purpose of this program is to provide financial assistance to eligible Iowa businesses for implementing projects that achieve waste reduction at the source, projects that manufacture or remanufacture products containing post-consumer material, and projects that process eligible waste materials for use in the manufacturing process.

567--212.3(455B) Definitions. The following terms, as used in this chapter, shall have the following meanings:

"Applicant" means any Iowa business that submits a correctly completed application requesting financial assistance through this program by the application deadline as identified in these rules.

"Cost-share" means applicant's share of proposed eligible project costs.

"Department" means the Iowa department of natural resources.

"Eligible costs" costs eligible for financial assistance including: capital costs of the proposed project, salaries directly related to the project, engineering costs, transportation to markets, and raw materials analysis costs.

"Eligible projects" means any project that manufactures or remanufactures products with post-consumer materials; any project involving the purchase of equipment to achieve source

reduction; any project that processes eligible waste materials; or any project involving the recycling of waste tires.

"Groundwater protection act" means 1987 Iowa Acts, chapter 225, which sets forth laws pertaining to the protection of Iowa's groundwater resources through reduced disposal of wastes at landfills and provides grants and loans to encourage better management of Iowa's groundwater resources.

"Indirect costs" means costs that are not identifiable with a specific product, function, or activity.

"Overhead costs" means expenses not chargeable to a particular part of the work or product including, but not limited to, utilities, and insurance.

"Post-consumer material" means material generated by a business or consumer that has served its intended end use and has been separated from waste for collection and recycling. For the purposes of this program, this definition includes post-industrial materials that have been separated from waste for recycling.

"Recipient" means an applicant selected to receive a loan under these rules.

"Recyclable material" means any post-consumer material that can presently be recycled or that demonstrates potential to be recycled.

"Recycled products" means products containing post-consumer materials.

"Waste management assistance" means the waste management assistance division of the department of natural resources established by 1987 Iowa Acts, chapter 180 and amended by 1992 SF 2347, section 21.

567--212.4(455B) Role of the department of natural resources. The department of natural resources is responsible for the administration of funds for projects sponsored under these rules. The department will assure that funds disbursed will meet guidelines established by the groundwater protection Act and the waste management authority Act.

An eligible project may be submitted by any Iowa business for loan consideration under this chapter. The director will determine which projects will receive funding after review by the waste management assistance division and the environmental protection division of this department and the department of economic development.

567--212.5(455B) Funding sources. The department will use funds appropriated by the legislature, and other sources that may be obtained for the purpose of achieving the goals outlined in these rules. The department will ensure that moneys appropriated meet both federal and state guidelines pertaining to their use.

567--212.6(455B) Funding restrictions. The applicant shall not be eligible to receive additional loan funds under this program until the ending date of the contract for the last loan obtained, all loan funds have been repaid, and all conditions of the contract have been fulfilled to the satisfaction of the department. The applicant shall not be eligible to receive loan funds under this program until an existing Landfill Alternatives Grant contract has expired and all conditions of the Landfill Alternatives Grant contract have been fulfilled to the satisfaction of the department. The applicant shall not be eligible to receive a grant through the Landfill Alternatives Grant Program until the ending date of the contract for the last loan obtained, all loan funds have been repaid, and all conditions of the contract have been fulfilled to the satisfaction of the department.

567--212.7(455B) Reduced loan award. The department shall ask the applicant to document the impacts of reduced financial assistance finalizing an award for less than the eligible amount requested by an applicant or less than the maximum award established by the Waste management Division. Reduced funds shall be awarded where it has been determined by the department that:

1. program resources are insufficient to provide full assistance to all applicants to which the department intends to award loans; or
2. the applicant could operate the project at a reduced level and still achieve project objectives.

567--212.8(455B) Limitations on disbursement of funds. No loan funds shall be disbursed until the department has:

1. determined the total estimated cost of the project;
2. determined that financing of the cost share amount is assured by the recipient;
3. received commitments from the recipient to implement the project; and
4. executed a written agreement with the recipient and, if applicable, the recipient has submitted final design plans for projects under these rules.

567--212.9(455B) Term of the loan. The term of the loan will be based on the specific capital costs financed, as well as the terms of other financing provided for the project. The loan agreement will establish other conditions or terms needed to manage or implement the loan. Collateral will be required. If sufficient collateral is not available within the applicant's organization, personal guarantees, and/or other acceptable collateral will be required.

567--212.10(455B) Eligible costs. Applicants can request monetary assistance in the implementation and operation of the project which includes funds for:

1. purchase of equipment that will lead to source reduction;
2. engineering or consulting fees;
3. purchase of equipment necessary for the manufacture or remanufacture of products containing post-consumer materials;
4. contractual labor for installation of equipment;
5. salaries directly related to the implementation and operation of this project;
6. transportation costs needed to establish initial market access;
7. testing to assure acceptable qualities of recyclable materials.

567--212.11(455B) Ineligible costs. Loan funds may not be used for, and not limited to, the following items:

1. taxes;
2. indirect or overhead expenses;
3. legal costs;
4. contingency funds;
5. land acquisition;
6. buildings.

567--212.12(455B) Eligible projects. The department may provide no interest loans to applicants for the following types of projects:

1. the purchase and installation of equipment that results in a reduction of source generated waste;
2. projects that manufacture or remanufacture products from post-consumer materials.
Eligible projects will not result in the transfer of waste from one medium to another.

567--212.13(455B) Cost share by applicant. An applicant for a loan shall agree to provide a minimum cost share of local funds toward project costs:

1. projects that achieve source reduction - 35%.
2. projects for the manufacture or remanufacture of products from post-consumer materials - 50%.

567--212.14(455B) Selection criteria. Projects will be awarded loans based on the following criteria. The department will determine the relative value of each of these factors in deciding which projects will receive funding, based on applications submitted. The selection criteria include:

212.14(1) Waste reduction projects only:

- a. amount and toxicity of waste to be reduced and the percentage of waste reduction achieved relative to normal business operations through implementation of this project; (30 points)
- b. the technical and economic feasibility and transferability of the proposed project; (25 points)
- c. documentation that a detailed waste reduction analysis has been completed for the business; (20 points)
- d. the experience, expertise, and managerial ability of the parties involved in implementing all phases of the proposed project; (15 points)
- e. applicant's ability to repay the loan in light of such factors as: (10 points)
 - (1) the size of the project in relation to income and assets of the company and its principals;
 - (2) the impact of the project on the applicant's operations
 - (3) availability of financing from other sources.

212.14(2) Recycling projects only:

- a. amount and toxicity of Iowa waste to be recycled by this project; (30 points)
- b. the economic feasibility of the proposed project as demonstrated by documentation that a detailed market analysis has been completed for the product(s) produced. This analysis must include: (25 points)
 - (1) impact on recycling markets;
 - (2) documentation that there is a consistent volume of waste for the project;
 - (3) market viability and long-term market stability;
- c. the technical feasibility and transferability of the proposed project; (20 points)
- d. the experience, expertise, and managerial ability of the parties involved in implementing all phases of the proposed project; (15 points)
- e. applicant's ability to repay the loan in light of such factors as: (10 points)
 - (1) the size of the project in relation to income and assets of the company and its principals;
 - (2) the impact of the project on the applicant's operations;
 - (3) availability of financing from other sources.

Viable tire recycling projects will be awarded a bonus of 5 points.

567--212.15(455B) Application form. An applicant shall submit a completed application form provided by the department and will include, but is not limited to, the following information:

1. name of legal owner;
2. name and title of applicant;
3. address of applicant;
4. phone number of contact person;
5. documentation of project resources including:
 - (a) identifiable monetary resources;
 - (b) land, building, or equipment;
 - (c) insurance coverage;
 - (d) support services;
 - (e) personnel;
6. information satisfying the provisions of rules 212.12(455B) to 212.14(455B);
7. documentation of consistency with local and regional waste management planning efforts.

567--212.16(455B) Contract. A successful applicant shall enter into a contract with the department for the purposes of implementing the project for which financial assistance through this program was sought. The contract shall be signed by the department director, the waste management assistance division administrator, and the authorized officer of the recipient. The applicant will be required to submit periodic progress reports as identified in the executed contract. Progress reports are considered a part of the public record. The department may void a contract and seek a return of any funds released under the contract for failure by the recipient to perform the terms and conditions and other obligations under the contract in a timely fashion. Amendments to contracts may be adopted by written consent of all parties.

Applications will be due the first Monday in October of each year, unless otherwise designated by the waste management assistance division. Application materials are considered a part of the public record. Application materials received after the deadline will not be considered for funding during the current round, will not be retained for future consideration and will not be returned to the applicant. It is the applicant's responsibility to resubmit a completed application for funding consideration during a subsequent funding period.

567--212.18(455B) Loan denial. An applicant may be denied funding for any of the following reasons:

1. an applicant does not meet eligibility requirements pursuant to the provisions of rules 212.10(455B) to 212.15(455B);
2. an applicant does not provide sufficient information requested in the application forms pursuant to rules 212.10(455B) to 212.15(455B);
3. the project goals or scope is not consistent with rules 212.1(455B), 212.2(455B) and 212.10(455B) to 212.12(455B);
4. if upon announcement of funding awards, the applicant has an active loan through this program or an active contract through the Landfill Alternatives Grant Program.

These rules are intended to implement Iowa Code section 455B.310(2)b(4).

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Larry W. Wilson, Director

Date

Ms. Hay gave a detailed explanation of the rule.

A lengthy discussion followed regarding agricultural wastes and post consumer waste; specifying who would qualify as eligible Iowa businesses; intent to stimulate markets for recyclable materials; source reduction; and selection criteria.

Consensus of the Commission was to delay this rule until later in the day to allow staff to prepare revised language clarifying who is included in "Iowa businesses," under 212.3. Also, under 212.11-Eligible Costs, there was concern with the wording "and not limited to." There was also concern with 212.14-Selection Criteria, in regards to the wording of the first paragraph.

DELAYED UNTIL LATER IN MEETING

PUBLIC PARTICIPATION

Craig Duffy, Iowa Society of Solid Waste Operations, distributed copies of a letter from ISOSWO president David Honkomp. Mr. Duffy read the letter as follows:

Dear Commission Members:

We understand that the Iowa Department of Natural Resources is no longer issuing Special Waste Authorizations (SWAs) effective February 9, 1993. The Iowa Society of Solid Waste Operators (ISOSWO) and Special Waste Authorization holders were not notified of this decision.

ISOSWO is currently discussing the legality of dropping this program with the EPA and legal council. Two issues concern us most. No training of landfill operators was or is being offered before the SWA program was eliminated. Secondly, without the program, we have no enforcement capabilities.

Therefore, we are requesting the DNR reinstate the Special Waste Authorization program immediately. We feel the program is crucial for the protection of human health as well as for a safe environment. We cannot afford to be without the Special Waste Authorization program. Please consider our comments.

If you wish to discuss this further, please call Pete Duffy at (515) 752-0646.

Sincerely David Honkomp, President, ISOSWO

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Mr. Duffy related that Mr. Honkomp was unable to attend the meeting today. He added that their group is trying to keep the Special Waste Authorization program going because they feel it is very essential to the solid waste industry.

Margaret Prah1 commented that she does not understand the connection between ISOSWO comments and Item #9, Proposed Rule on Special Waste Authorizations.

Mr. Duffy stated that Item #9 changes the rule so that the DNR no longer issues special waste authorizations and will put the responsibility on landfill operators. He related that they were not notified that the department was no longer issuing special waste authorizations. He added that if an industry has something new and want a special waste authorization for it, they cannot get it and a landfill cannot take it because DNR has done away with the program. Mr. Duffy stated that it will be a problem for the next 3-4 months as to what people are to do with their special waste. He asked that the SWA program be reinstated and give industry 30-60 days to get things worked out.

APPOINTMENT - LARRY BEAN (ENERGY EFFICIENCY AND RENEWABLE ENERGY)

Larry Bean, Division Administrator, Energy and Geological Resources, stated that in follow up to the presentation last month by Bill Leach of Midwest Power, that he was uncomfortable that the Commission did not have a balanced view with regards to the potential for some of the renewable technologies that are emerging rather rapidly, particularly in Iowa. Mr. Bean gave a presentation noting what is happening in Iowa with these technologies and the significant in-roads being made. He discussed cost as well as other details of the following topics: Planning for Peak Demand; Energy Efficiency Potential in Iowa; Average Wind Velocity in Iowa; Solar Energy; Operating Hydroelectric in Iowa; Hydro-Current and Potential; The Carbon Cycle; and Waste to Energy in the U.S. Mr. Bean displayed several models of solar powered outdoor lights.

A lengthy discussion followed regarding the various topics presented.

Chairperson Hartsuck thanked Mr. Bean for his presentation to the Commission.

FINAL RULE--CHAPTER 211, GRANTS FOR REGIONAL COLLECTION CENTERS FOR HOUSEHOLD HAZARDOUS MATERIALS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve new chapter 211 which would establish a grant program for regional collection centers of conditionally exempt small quantity generator and household hazardous wastes.

Notice of Intended Action Was Published in IAB on December 9, 1992 as ARC 3622A. A public hearing was held on December 30, 1992, three people were in attendance. Written and verbal

comment was received at the public hearing from Thomas Bredeweg and Susan Cosner from the League of Iowa Municipalities, and written only from Margo Underwood of the Cerro Gordo County Area Solid Waste Agency. Several changes have been made to reflect these comments and other considerations. These changes follow:

The phrase education and was added to the purpose statement.

A definition for applicant was added.

In the definition of conditionally exempt small quantity generator, modified was changed to defined and (f)(2) and (g)(2) were deleted.

In the definition of grants the word candidate was changed to applicant.

A definition for public access was added.

In the definition of regional government, one municipality and or solid waste agency as implemented in Chapter 28E of the Iowa Code was added.

A definition of secondary confinement was added.

In 211.6 Eligible costs in 2. preparation and was deleted and This includes site excavation for the structure and modifications to control runoff or visually screen the RCC was added.

In 211.6 Eligible costs 3. education program for households and CESQGs within the region was added.

In 211.6 Eligible costs the previous 3. was changed to 4.

In 211.6 Eligible costs 5. was changed to Initial staffing costs.

In 211.6 Eligible costs the previous 4. was changed to 5.

In 211.6 Eligible costs expenses relating to paragraph "5" was changed to "6".

In 211.7 Ineligible costs the previous 4. staffing costs was deleted and 5., 6., and 7. were changed to 4., 5., and 6.

In 211.8(2)(a)(2) supply regional schools was changed to supply schools. In the last sentence of this subsection experience was changed to ability.

211.8(2)(a)(6) was changed to ask the applicant to demonstrate their education commitment to CESQGs. The previous 6. was changed to 7.

In 211.8(2)(c)(1) there shall be an agreement was changed to on private property if an agreement. Documentation of and agreement shall be provided by the applicant on or before initiation of the contract with the Department was added.

In 211.8(2)(c)(6) the subrule reference was changed to 567 subrules 103.2(1)(m)(5) through 103.2(1)(m)(7). Site qualifications (a), (b), and (c) was added.

In 211.8(2)(d) paragraph two all applicable fire, electrical and any other building code was changed to the requirements of the Iowa State Building Code and all other applicable codes. and The structures and mobile units shall be so designed to prevent runoff entering from adjacent areas was added.

In 211.8(2)(d) paragraph two and containers used to package collected materials was added into the second sentence.

In 211.8(2)(d) paragraph two Applicants applying for grant funds to establish a mobile unit(s) must list the number of sites the unit(s) will locate to and include the township and range of these locations. At each mobile unit site, the unit shall rest on a pad of an impervious, reasonably smooth material that provides secondary containment in case of a spill and a canopy shall be provided as protection from inclement weather. and No RCC or mobile unit shall operate without a permit.

In 211.8(2)(d) paragraph three in the form of plastic-lined pits or concrete sumps was added into the second sentence.

In 211.8(2)(d) paragraph three sentence three transfer was changed to transferring and storage was changed to storing.

In 211.8(2)(d) paragraph three sentence four protected from exposure to the weather and provide secondary containment was changed to provided with secondary containment and be protected from the weather.

In the first paragraph of 211.8(2)(e) At least one RCC staff person shall have the ability to make educational presentations was added.

In the third sentence of 211.8(2)(g) local was deleted.

In the last sentence of 211.8(2)(g) shall be limited to was changed to shall not exceed.

In the second sentence of 211.9 6. solid waste was added.

The purpose of this rule is to implement 455F.8A and 455F.8B.

WASTE MANAGEMENT ASSISTANCE

CHAPTER 211
GRANTS FOR REGIONAL COLLECTION CENTERS OF HOUSEHOLD AND
CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR
HAZARDOUS WASTES

567--211.1(455F) Goal. The goal of this program is to reduce the amount of hazardous materials that are disposed of in Iowa's Sanitary Landfills. Education of the public and the establishment of a system of regional collection centers for the safe and proper disposal of hazardous materials from households and conditionally exempt small quantity generators will be the tools used to accomplish this goal. The establishment of these regional collection centers will reduce the unit cost of proper disposal and increase access to a regularly available means of safely disposing of these materials. Achievement of this goal will further the protection of the state's groundwater resources while protecting Iowa's citizens and the environment as a whole.

567--211.2(455F) Purpose. The purpose of this program is to provide grants to a municipality or a regional government to cover costs associated with the capital outlay for construction or modification of a structure(s) to serve as a regional collection center.

567--211.3((455F) Definitions. As used in this chapter:

"Conditionally exempt small quantity generator or CESQG" is the same as defined by 40 CFR 261.5(f)(1) and (g)(1).

"Cost share" means the percent of applicant funds contributed to the project for those expenses or services that are directly dedicated to the project including, but not limited to, assessed worth of existing equipment, buildings, and salaries directly related to an existing project and costs of new or rented equipment and buildings and salaries and services directly related to the project.

"Department" means the Iowa Department of Natural Resources.

"Financial assistance" means monetary assistance other than grants including interest buydowns on loans.

"Floodplain" means the land adjacent to a stream which has been or may be inundated by a flood having the magnitude of the regional one hundred (100) year flood.

"Grants" means financial assistance in the form of cash payments to eligible candidates for certain considerations.

"Groundwater protection act" means 1987 Iowa Acts, chapter 225, which sets forth laws pertaining to the protection of Iowa's groundwater resources through reduced disposal of solid wastes at landfills and provides grants to encourage better management of Iowa's groundwater resources.

"Household hazardous materials or HHM" is the same as defined by Chapter 455F.1(4) of the Iowa code.

"Indirect costs" means costs that are not identifiable with a specific product, function or activity.

"Mobile units" means a unit belonging to a Regional Collection Center that can be moved to different sites within a region. The mobile unit would be used to perform collection events and to transport collected materials to the fixed RCC.

"Overhead costs" means expenses not chargeable to a particular part of the work or product including, but not limited to, utilities and insurance.

"Petroleum overcharge allocation" means 1987 Iowa Acts, chapter 230, which allocates and appropriates Iowa's petroleum overcharge refunds generated from Stripper Well, Exxon, Amoco, and other petroleum overcharge settlements.

"Regional Collection Center or RCC" means a secured site or facility at which collection, sorting as to type and packaging of hazardous materials from urban and rural households and CESQGs will be accomplished prior to transportation of these wastes to the final disposal site. These centers are referred to as temporary collection sites in chapter 455F.8A(1) of the Iowa Code.

"Regional governments" means a group of governments that could be defined as a county, several counties, several municipalities a council of governments or a 28E agreement.

"Sanitary landfill" means a sanitary disposal project where solid waste is buried between layers of earth.

"Staffing costs" means salaries and indirect costs related to payment of personnel of a completed RCC.

"Waste management assistance" means the Waste Management Assistance Division of the Department of Natural Resources established by the 1987 Iowa Acts, chapter 180.

567--211.4(455F) Role of the Department of Natural Resources. The Department of Natural Resources is responsible for the administration of funds for projects sponsored under these rules. The Department will assure that funds disbursed will meet guidelines established by the Groundwater Protection Act, the allocation of petroleum overcharge funds, and the Waste Management Authority Act.

Any eligible project may be submitted by an applicant for grant consideration under this chapter. The director shall determine which projects will receive funding after review by the Waste Management Assistance Division and the Environmental Protection Division of the Department.

567--211.5(455F) Funding sources. The Department will use funds appropriated through 455B.310(2.b.)(2.) of the Iowa code for the purpose of achieving the goals outlined in these rules. The Department will ensure that moneys appropriated meet both federal and state guidelines pertaining to their use.

567--211.6(455F) Eligible costs. Applicants can request monetary assistance for the purpose of project development and implementation which includes funds for:

- a. Materials and labor for construction, and the purchase cost of structures and/or mobile units to be used as a RCC;
- b. Site preparation and modification;
- c. Equipment relating directly to RCC operation;
- d. Site and building design fees.

Expenses relating to item a. shall be given the highest priority. Expenses relating to item c. shall be given the lowest priority.

567--211.7(455F) Ineligible costs. Applicants cannot request monetary assistance for the following costs:

- a. Taxes;
- b. Vehicle registration;
- c. Indirect or overhead expenses;
- d. Staffing costs;
- e. Legal costs;
- f. Contingency funds;
- g. Land acquisition.

567--211.8(455F) Criteria for selection of a RCC grant. The Department may provide grants to applicants who have met the following criteria. A point value has been assigned for each criterion. Applicants receiving the highest number of points will be considered for grant approval. An applicant applying for grant money shall detail sections:

- 211.8(a.) Education;
 - (b.) Use analysis;
- and show sufficient knowledge of sections:
- 211.8(c.) Site selection;
 - (d.) Structures;
 - (e.) Staff qualifications;
 - (f.) Operation procedure;
 - (g.) Project match.

If an applicant is selected for an RCC grant they must submit detailed information on sections:

- 211.8(c.) Site selection;
 - (d.) Structures;
 - (e.) Staff qualifications;
 - (f.) Operation Procedure;
 - (g.) Project match,

before a contract is signed between the state and the applicant.

Applicants must address criteria in the order presented in these rules. An application that fails to address all of the criteria may not receive further consideration. Any Regional Collection Center proposal that is submitted shall be judged on factors such as service area, frequency of collections, and the accessibility of the collection site.

a. Education.(35 points) An active education program is necessary during all phases of planning, construction and operation of the center. Each applicant shall submit a detailed education plan. This education plan shall include but is not limited to the following:

1. The budget for the education program must be specified.
2. The applicant's education plan shall demonstrate their commitment to local schools within the region, regarding safer alternatives for or the proper disposal of hazardous materials. Each RCC will supply regional schools with resource materials to supplement current curriculum. At least one staff person should have the experience to assist in this goal.
3. Applicants shall demonstrate their commitment to educate the local population through outlining an intensive three year program that addresses alternatives to the purchase or the proper disposal of toxic materials. This effort shall be directed at such groups as civic and youth groups, clubs, organizations, and associations within the

collection center's region. Applicants shall make use of local radio, television, newspapers, newsletters and other means to promote this education effort.

4. The education plan must demonstrate a commitment to work with libraries within the region. This commitment shall include providing resource materials, books and other contributions that pertain to HHM.

5. The applicant shall submit a plan to promote retailer awareness of HHM.

The Household Hazardous Materials Program Symbol shall be used on all signs and all resources materials that are created and distributed by the RCCs. See Chapter 567--144(455F) of the Iowa Administrative Code as to the specifications and proper use of this symbol.

b. Use analysis.(5 points) The applicant must demonstrate sufficient knowledge of the wastes from CESQGs and households within the region. This information shall include the number of users, the types and quantities of waste that will potentially be brought to the center. The information gained from this analysis will be useful in determining the size of the site and of the structures at the RCC.

c. Site selection.(20 points) The site selected for the regional collection center shall meet the following criteria:

1. The RCC shall be sited on public property or there shall be an agreement that guarantees public access.
2. The site shall be designed to provide adequate secondary containment in case of a spill or other possible on-site contamination.
3. The selected site shall meet all applicable zoning codes.
4. The site shall be adequately sized to accommodate all structures, units and activities that will take place on the site.
5. The site shall be fenced to control access and a gate shall be provided at the entrance to the site and kept locked when personnel are not on duty.
6. The site shall meet the requirements of 567--103.2(1) of the Iowa Administrative Code. Applicants will be exempt from the requirements of 567--103.2(1)(5,6, and 7). The applicant must submit three (3) copies of all plans and specifications for Department review.

d. Structures.(20 points) All structures shall be sized to adequately sort, bulk and lab pack, and temporarily store exempt hazardous materials brought to the RCC or mobile unit. While the materials that are brought to the site are exempt, they remain hazardous materials and the site and structures must be designed accordingly.

All permanent structures and mobile units must meet all applicable fire, electrical and any other building codes. All mobile units shall comply with applicable Department of Transportation rules and guidelines. All RCCs and mobile units shall obtain a permit from the Department according to 567--102 and 567--104 of the Iowa Administrative Code. All safety issues shall be addressed in the permit.

All receiving areas shall have a storage capacity of at least one day's processing capacity. All receiving, sorting, bulking, transfer and storage area surfaces shall be constructed of an impervious, reasonably smooth material so designed to be easily cleaned, non-reactive with the waste, and with proper drainage according to applicable codes. Areas used for the receiving, bulking, transfer, lab packing and storage of exempt hazardous materials shall be protected from exposure to the weather and provide secondary containment. Hazardous materials shall not be stored for longer than 180 days.

The construction plans and specifications for the RCC shall include a receiving area, sorting area, separate storage areas for incompatible materials, roads, structures, fences and gates, landscaping and screening devices, personnel and maintenance facilities and utility lines.

e. Staff qualifications.(10 points) The RCC may be staffed by full time and/or part time employees. All RCC staff handling hazardous materials shall have received OSHA 40 hour health and safety training as described by 29 CFR 1910.120. All staff must have received other applicable training including but not limited to the following:

1. Hazardous materials chemistry
2. Personnel and site safety
3. Proper lab packing techniques
4. Proper transporting of hazardous materials

f. Operation procedures.(10 points) The applicant must prepare an operations plan, a contingency plan, a remedial action plan and a closure/post closure plan. This manual shall include, but is not limited to the following:

1. Operations plan
 - a. Schedule of operations
 - b. Standard receiving procedures for household and CESQG wastes
 - c. Unknowns
 - d. Open or leaking containers
 - e. Large quantities of wastes
 - f. Recycling procedures for usable materials
 - g. Disposal of non-hazardous waste
 - h. Personal protection equipment
 - i. Initial training requirements and continuing education of staff
2. Contingency plan
 - a. Spills
 - b. Fires and/or explosions
 - c. Personal injuries
 - d. Notification of local agencies
3. Closure/post closure plan
 - a. See Chapter 102.12(10) of the Iowa Administrative Code.

g. Project Match.(tie breaker) The applicant shall provide a proposed budget for the implementation and operation of the facility. This budget shall list all local, public and private contributions for the establishment of the facility. The amount of contributions per household population of the region served will be used to break a tie. The Department's award for the facility shall be limited to \$100,000.

567--211.9(455F) Project application. An applicant shall submit a completed application form provided by the Department. The application forms will include, but shall not be limited to, the following information:

1. Name of applicant;
2. Address of applicant;
3. Phone number of the contact person;
4. Documentation of resources including:
 - Identifiable monetary resources;

- Land, buildings or equipment;
- Insurance coverage;
- Personnel.

5. Information satisfying the provisions of rules 211.6(455F) through 211.8(455F).
6. Documentation of consistency with the local and regional solid waste planning efforts. The comprehensive plans of the various constituent governments should be amended to reflect the RCC's impact on the region's solid waste stream.

567--211.10(455F) Grant denial. An applicant may be denied for the following reasons:

1. An applicant does not meet eligibility requirements pursuant to the provisions of these rules.
2. An applicant does not provide sufficient information requested in the application proposal pursuant to these rules.
3. The project goals or scope is not consistent with these rules.

These rules are intended to implement Iowa Code sections 455F.8A and 455F.8B.

Ms. Hay explained the rule and changes made as a result of public comment.

William Ehm asked if the Director will make the decision on who will receive grants.

Ms. Hay stated that they will be brought to the Commission for review similar to the Landfill Alternative Grants.

Motion was made by Margaret Prael to approve Final Rule--Chapter 211, Grants for Regional Collection Centers for Household Hazardous Materials. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

MONTHLY REPORTS

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

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IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
February 1, 1993

| PROPOSAL | NOTICE TO COMMISSION | NOTICE PUBLISHED | RULES REVIEW COMMITTEE | HEARING | FINAL SUMMARY TO COMMISSION | RULES ADOPTED | RULES PUBLISHED | RULE EFFECTIVE |
|--|----------------------|------------------|------------------------|----------------------------------|-----------------------------|---------------|-----------------|----------------|
| 1. Ch. 1 - Conflict of Interest | *3/15/93 | *4/14/93 | *5/ /93 | *5/ /93 | ----- | ----- | ----- | ----- |
| 2. Ch. 42 - Water Supply Laboratory Certification | 12/21/92 | 1/20/93 | 2/08/93 | ----- | *3/15/93 | *3/15/93 | *4/14/93 | *5/10/93 |
| 3. Ch. 61 - Stream Use Designation - Phase V | 1/19/93 | 2/17/93 | *3/ /93 | *3/09/93 *3/10/93 | *3/15/93 | *3/15/93 | *4/14/93 | *5/10/93 |
| 4. Ch. 100, 102 - Special Waste Authorizations | 2/15/93 | *3/17/93 | *4/ /93 | *4/07/93 | *4/19/93 | *4/19/93 | *5/12/93 | *6/16/93 |
| 5. Ch 102 - Financial Assurance Mechanism for Closure and Post-Closure Costs at Sanitary Disposal Projects | 10/19/92 | 11/11/92 | 12/01/92 | 12/01/92 12/02/92 12/03/92 | *3/15/93 | *3/15/93 | *4/14/93 | *5/10/93 |
| 6. Ch. 135 - UST, Financial Responsibility | 2/15/93 | *3/17/93 | *4/ /93 | *4/06/93 | *4/19/93 | *4/19/93 | *5/12/93 | *6/16/93 |
| 7. Ch. 211 - Regional Collection Centers for Household Hazardous Materials | 11/16/92 | 12/09/92 | 1/05/93 | 12/30/92 | 2/15/93 | *2/15/93 | *3/17/93 | *4/21/93 |
| 8. Ch. 212 - Loans for Waste Reduction and Recycling | 2/15/93 | *3/17/93 | *4/ /93 | *4/08/93 | *4/19/93 | *4/19/93 | *5/12/93 | *6/16/93 |
| 9. Ch. 213 - Packaging - Heavy Metals | 2/15/93 | *3/17/93 | *4/ /93 | *4/07/93 | *4/19/93 | *4/19/93 | *5/12/93 | *6/16/93 |

| MONTHLY VARIANCE REPORT | | | | | | |
|-------------------------|---|-------------|---------------------|--------------------|----------|----------|
| Month: January, 1993 | | | | | | |
| No. | Facility | Program | Engineer | Subject | Decision | Date |
| 1. | Charles W. Droste Waverly | Air Quality | | Structures | Approved | 01/13/93 |
| 2. | W.19th. Street Bridge Over Perry Creek - Sioux City | Flood Plain | HGM Associates | Freeboard | Approved | 01/25/93 |
| 3. | Louisa County Sanitary Landfill | Solid Waste | James M. Montgomery | Leachate | Denied | 01/19/93 |
| 4. | Muscataine Power and Water - Coal Combustion Residue Landfill | Solid Waste | Gerald R. Peterson | Certified Operator | Approved | 01/25/93 |

Report of Hazardous Conditions

During the period January 1, 1993 through January 31, 1993, reports of 61 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

| Date Reported and County | Description: Material, Amount, Date of Incident, Cause, Location, Impact | Responsible Party | Response and Corrective Actions |
|--------------------------|---|---|--|
| 01/03/93 Jasper | Water entered an underground storage tank, causing heating oil to flow out of the tank onto a parking lot. 100 gallons was spilled onto the lot on January 3, 1993. | Emerson-Hough 700 N. 4th Ave. East Newton, Iowa 50208 | The Newton Fire and Street Department responded. Sand was applied to the heating oil. The material was swept up and disposed at the SLF. |
| 01/12/93 Black Hawk | On January 12, 1993, a pipe on a 100,00 gallon aboveground storage tank broke. 40,00 gallons of a mixture of soda ash and sodium sulfate spilled into a secondary containment structure and overflowed it. Approximately 3000 gallons flowed into N. Elk Creek. No impacts to aquatic life were observed. | Eagle Tanning 4455 Remington Road Waterloo, IA | The Waterloo Fire Dept. built a dike across the creek. The material was pumped from the creek and the facility. |

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NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1992

Substance Type

None

| Month | Total # of Incidents | Petroleum Product | Agri. Chemical | Other Chemicals and Substances | Handling and Storage | Pipeline | Highway Incident | RR Incident | Fire | Other |
|--------|----------------------|-------------------|----------------|--------------------------------|----------------------|----------|------------------|-------------|------|-------|
| Oct. | 83(87) | 54(52) | 8(4) | 21(31) | 51(42) | 0(2) | 25(24) | 2(2) | 0(0) | 5(17) |
| Nov. | 84(83) | 46(56) | 7(3) | 21(22) | 38(44) | 1(1) | 26(22) | 0(0) | 0(0) | 9(13) |
| Dec. | 67(81) | 41(47) | 9(7) | 17(27) | 37(40) | 2(2) | 28(28) | 0(2) | 0(1) | 9(8) |
| Jan. | 61(64) | 47(40) | 0(6) | 14(18) | 32(33) | 1(0) | 21(22) | 1(1) | 0(1) | 6(8) |
| Feb. | | | | | | | | | | |
| March | | | | | | | | | | |
| April | | | | | | | | | | |
| May | | | | | | | | | | |
| June | | | | | | | | | | |
| July | | | | | | | | | | |
| August | | | | | | | | | | |
| Sept. | | | | | | | | | | |

Total Number Of Incidents Per Field Office This Period:

| | | | | | |
|----|---|---|---|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 10 | 6 | 3 | 3 | 18 | 21 |

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of January 1, 1993 through January 31, 1993, the following number of releases from underground storage tanks were identified.

32 (47)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1992.

NUMBER OF LUST CLEANUPS COMPLETED

During the period of January 1, 1993 through January 31, 1993, the following number of LUST cleanups were completed.

1 (539)

The number in parentheses represents the total number of LUST cleanups through January 1, 1993.

Enforcement Report Update

The following new enforcement actions were taken last month:

| Name, Location and Field Office Number | Program | Alleged Violation | Action | Date |
|--|--------------------------------|--|-------------------------|---------|
| Waste Systems Corp.; Ronald G. Roth d/b/a Winnebago Co. SLP, Winnebago Co. (2) | Solid Waste | Compliance Schedule | Amended Order | 1/11/93 |
| Midway Oil Company, Indianola (5) | Underground Tank | Monitoring Deficiencies | Order/Penalty | 1/11/93 |
| Raven Corp. & Midway Oil Co., Toledo (5) | Underground Tank | Remedial Action | Order/Penalty | 1/11/93 |
| Montour, City of (5) | Wastewater | Operational Violations; Monitoring/Reporting | Order | 1/11/93 |
| Gorks Seasonal MHP and Resort, Spirit Lake (3) | Drinking Water | Monitoring/Reporting-Nitrate | Amended Order Rescinded | 1/11/93 |
| Roads Interstate Sales, New Virginia (5) | Drinking Water | MCL-Bacteria; Monitoring/Reporting-Bacteria | Referred to AG | 1/19/93 |
| Giese Construction Co., Inc., Ft. Dodge (2) | Wastewater Hazardous Condition | Site Contamination | Referred to AG | 1/19/93 |
| Delase & Deloris Craig d/b/a Delano's Lounge, Washington (6) | Drinking Water | MCL-Bacteria; Monitoring/Reporting-Nitrate | Referred to AG | 1/19/93 |
| B & F Distributing, Inc. d/b/a Petrol Pumper, Clear Lake (2) | Underground Tank | Remedial Action | Order/Penalty | 1/21/93 |
| Vulcan Materials Co., Linn Co. (1) | Wastewater | Discharge Limits | Order/Penalty | 1/21/93 |
| Iowa City, City of (6) | Wastewater | Discharge Limits | Order | 1/21/93 |
| TRS Industries, Inc.; City of Des Moines (5) | Solid Waste | Compliance Schedule | Order/Penalty | 1/21/93 |
| Spring Grove Mobile Home Park, Burlington (6) | Drinking Water | Monitoring/Reporting-Other Inorganics | Order/Penalty | 1/29/93 |

Summary of Administrative Penalties

The following administrative penalties are due:

| NAME/LOCATION | PROGRAM | AMOUNT | DUE DATE |
|---|---------|--------|----------|
| Don Grothe d/b/a Don's Motor Mart (Lake Mills) | UT | 300 | 9-10-92 |
| Robert Plendl d/b/a Plendl Bros. Trucking (Kingsley) | UT | 300 | 10-15-92 |
| Ron Jungling d/b/a Jungling Texaco (Wellsburg) | UT | 550 | 11-18-92 |
| Marvin Kruse d/b/a K & C Feeds (Luana) | UT | 300 | 12-01-92 |
| Breeden Shop Building (Linn Co.) | FP | 200 | 12-16-92 |
| William D. Ames (Woodbury Co.) | SW | 1,000 | 1-20-93 |
| Tony Hoyt d/b/a Lake Wilderness (Lee Co.) | SW | 1,000 | 1-23-93 |
| Dennis Doud d/b/a D & D Tire (Moravia) | UT | 300 | 1-24-93 |
| Jay Roy; Roy's Inc. d/b/a Jay's Service (Des Moines) | UT | 1,000 | 1-24-93 |
| Tim Sharp (Newton) | UT | 1,000 | 1-25-93 |
| Fausser Oil Company, Inc. (Elgin) | UT | 1,000 | 1-25-93 |
| Balbort Beverage Co. (Burlington) | UT | 300 | 1-25-93 |
| Jack Link Truck Line, Inc. (Dyersville) | UT | 300 | 1-25-93 |
| David Young d/b/a Sierp Oil Co. (Casey) | UT | 300 | 2-10-93 |
| *Leisure Lake Inn (Bernard) | WS | 50 | 2-15-93 |
| Charles Hennaman (Mitchel Co.) | SW | 450 | 2-16-93 |
| Don Grell d/b/a Dodge Enterprise (Ft. Dodge) | AQ | 3,500 | 2-16-93 |
| Karen French (Webster Co.) | FP | 400 | 2-16-93 |
| Washburn Water Co., Inc. (Waterloo) | WS | 200 | 2-17-93 |
| Kevin Askins d/b/a Community Builders (Carlisle) | AQ | 400 | 2-23-93 |
| Dave Pittman d/b/a Pittman Construction (Des Moines) | AQ | 300 | 2-31-93 |
| *Duane Lester d/b/a Lester Painting Co. (Des Moines) | AQ | 300 | 3-04-93 |
| Curnes Homes, Ltd. (Carlisle) | AQ | 500 | 3-19-93 |
| Vulcan Materials Co. (Linn Co.) | SW | 1,500 | 3-23-93 |
| TRS Industries, Inc.; City of Des Moines (Des Moines) | SW | 3,000 | 3-25-93 |
| Carson Grain & Implement (Coggon) | UT | 1,000 | ----- |
| B & F Distributing d/b/a Petrol Pumper (Clear Lake) | UT | 300 | ----- |
| Spring Grove Mobile Home Park (Burlington) | WS | 200 | ----- |

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The following cases have been referred to the Attorney General:

| NAME/LOCATION | PROGRAM | AMOUNT | DUE DATE |
|---|---------|--------|----------|
| OK Lounge (Marion) | WS | 448 | 11-01-87 |
| Richard Davis (Albia) | SW | 1,000 | 2-28-88 |
| Eagle Wrecking Co. (Pottawattamie Co.) | SW | 300 | 5-07-89 |
| *Twelve Mile House (Bernard) | WS | 119 | 5-20-89 |
| *Lawrence Payne (Ottumwa) | SW | 425 | 6-19-89 |
| William L. Bown (Marshalltown) | SW | 1,000 | 10-01-89 |
| Weillendorf Trust (Algona) | AQ/SW | 460 | 2-12-90 |
| Donald P. Ervin (Ft. Dodge) | SW | 669 | 3-05-90 |
| Amoco Oil Company (Des Moines) | UT | 1,000 | 8-15-90 |
| Gerald G. Pregler (Dubuque Co.) | SW | 1,000 | 9-02-90 |
| Donald R. Null (Clinton Co.) | AQ/SW | 1,000 | 9-06-90 |
| Robert and Sally Shelley (Guthrie Center) | SW | 1,000 | 3-04-91 |
| Fred Verner (Worth Co.) | SW | 950 | 4-11-91 |
| Honey Creek Camping Resort (Crescent) | WS | 245 | 6-13-91 |
| F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi) | WS | 1,000 | 8-04-91 |
| *M & W Mobile Home Park (Muscatine) | WS | 200 | 8-21-91 |
| Vern Starling (Boone Co.) | SW | 690 | 9-15-91 |
| Lloyd Dunton (Iowa Co.) | SW | 300 | 11-07-91 |
| Vernus Wunschel d/b/a Wunschel Oil Co. (Ida Grove) | UT | 300 | 1-12-92 |
| Dilts Trucking, Inc. (Crescent) | UT | 500 | 1-12-92 |
| R.D. Loftin, DVM (Osage) | UT | 300 | 2-12-92 |
| Bernard Sadler/Gen-Mar Farms (Allamakee Co.) | SW | 500 | 3-28-92 |
| Kenneth Bode (Mills Co.) | SW | 300 | 4-27-92 |
| *Todd D. Behounek and Paul Behounek (Tama Co.) | SW | 100 | 5-21-92 |
| V.R. Dillingham d/b/a Barb's Service (Everly) | UT | 600 | 5-21-92 |
| Leonard Page d/b/a Kent Store (Kent) | UT | 300 | 5-25-92 |
| Tandem Oak Park Associates (Ft. Dodge) | WS | 405 | 6-03-92 |
| Dick White (Washington County) | AQ | 250 | 8-15-92 |
| Central Paving Corporation (Indianola) | UT | 300 | 8-20-92 |
| Marion Stark (Kellerton) | UT | 300 | 8-26-92 |
| Midway Water & Lighting (Marion) | WS | 860 | 10-07-92 |
| Shirley Pecoy d/b/a Joe's Place (Sexton) | UT | 300 | 10-19-92 |
| 63-90 Cafe (Malcom) | WS | 1,000 | 10-22-92 |
| Seven Ponds Park (Des Moines County) | WS | 535 | 11-03-92 |
| Rankin Roofing & Siding Co. (Knoxville) | AQ | 500 | 11-09-92 |
| Delano's Lounge (Washington) | WS | 500 | 2-20-92 |
| Reed's Interstate Sales (New Virginia) | WS | 525 | 12-16-92 |

The following administrative penalties have been appealed:

| NAME/LOCATION | PROGRAM | AMOUNT |
|--|---------|--------|
| Amoco Oil Co. (Des Moines) | UT | 1,000 |
| Iowa City Regency MHP (Iowa City) | WW | 1,000 |
| 1st Iowa State Bank (Albia) | SW | 1,000 |
| Cloyd Foland | FP | 800 |
| Amoco Oil Co. (West Des Moines) | UT | 1,000 |
| Sioux City, City of | WW | 1,000 |
| Des Moines, City of | HC | 1,000 |
| Van Dusen Airport Services (Des Moines) | HC | 1,000 |
| Maple Crest Motel and MHP (Mason City) | WS | 350 |
| Chicago & North Western Transportation, et.al. | SW | 1,700 |
| Joe Eggers, Jr., et.al. (St. Ansgar) | SW | 1,000 |
| McDowell Dam #1 (Lee Co.) | FP | 500 |
| McDowell Dam #2 (Lee Co.) | FP | 500 |
| Oskaloosa Food Products Corp. (Oskaloosa) | WW | 1,000 |
| Oskaloosa, City of | WW | 1,000 |
| Westside Park for Mobile Homes (Lee Co.) | WW | 250 |
| Tower Club (Cresco) | WS | 400 |
| Wiota, City of | WS | 500 |
| Hickory Hollow Water Co. (Ankeny) | WS | 400 |
| Dell Oil Ltd. (Sioux City) | HC | 1,000 |
| Nordstrom Oil Company (Cedar Rapids) | HC | 1,000 |
| White Consolidated/Frigidaire Co. (Jefferson) | WW | 1,000 |
| D. Frank/D. Steib/Interstate Salvage (Webster Co.) | AQ | 600 |
| Linden, City of | WS | 1,000 |
| William H. Viner (Emerson) | UT | 600 |
| Partners-Four-Investments, Inc. (Rockwell) | UT | 700 |
| Farmers Cooperative Elevator (Martelle) | HC | 1,000 |
| Partners-Four-Investments, Inc. (Marble Rock) | UT | 700 |
| Community Cooperative Oil Co. (Marcus) | UT | 600 |
| Community Cooperative Oil Co. (Paullina) | UT | 600 |
| Community Cooperative Oil Co. (Remsen) | UT | 600 |
| Humboldt County Sanitary Landfill Commission | SW | 1,000 |
| Wayne Transportation, Inc. (Greene) | WW | 1,000 |
| Mulgrew Oil Company (Dubuque) | HC | 500 |
| Clement Auto and Truck, Inc. (Webster City) | UT | 500 |
| John Staub d/b/a Mr. Convenient (Burlington) | UT | 800 |
| Charles Kerr (Sloan) | UT | 600 |
| Swailedale, City of | WS | 400 |
| Stringtown Country Cafe (Lenox) | WS | 1,000 |
| Lincoln Farm and Home Service (Henderson) | WW | 1,000 |

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| | | |
|---|-------|-------|
| Joslin Enterprises, Ltd. (Anamosa) | UT | 600 |
| Country Estates Mobile Home Park (Long Grove) | WS | 765 |
| Chickasaw Co. SLF, et.al. (Chickasaw Co.) | SW | 1,000 |
| Richard Newman (Des Moines Co.) | SW | 500 |
| Plymouth Cooperative Oil Co. (Hinton) | WW | 1,000 |
| LaVerne Rehder (Union) | UT | 300 |
| Randy Bonin/Vickie Brannick (Hardin Co.) | SW | 500 |
| Ida County Sanitary Landfill (Ida Co.) | SW | 1,000 |
| Dean Hoeness d/b/a Hoeness & Sons (Winterset) | UT | 300 |
| Waste Systems Corp./Ronald Roth (Winnebago Co.) | SW | 1,000 |
| Decatur, City of | UT | 600 |
| South High Point Well Assn. #1 (Iowa City) | WS | 600 |
| Case Power and Equipment (Decorah) | WS | 500 |
| Cedar Valley Corporation (Waterloo) | AQ | 1,000 |
| King's Terrace Mobile Home Court (Ames) | WW | 500 |
| ITWC, Inc. (Malcom) | AQ | 1,000 |
| Donald Ferkle (Muscatine Co.) | AQ | 600 |
| Lloyd Decker (Floyd Co.) | SW | 1,000 |
| Eldon Krambeck (Scott Co.) | AQ | 1,000 |
| United Tile & Brick (Adel) | WW | 1,000 |
| Country Mobile Home Court (New Hampton) | WS | 845 |
| Albert Rohwer/Chelmer Flynn (Scott Co.) | SW | 1,000 |
| Bernard Gavin Veterinary Clinic (Wellsburg) | UT | 600 |
| Tracy Below (Hardin Co.) | WW | 1,000 |
| Cargill, Inc./Walnut Grove Research (Cass Co.) | WW | 1,000 |
| Grand Laboratories, Inc. (Larchwood) | WW | 1,000 |
| Frank Hulshizer (Benton Co.) | SW | 500 |
| Cargill, Inc. (Eddyville) | SW/WW | 1,000 |
| Gary Lalor (Wright Co.) | AQ/SW | 600 |
| Gantz Enterprises (Dubuque) | AQ | 1,000 |
| Chicago/Northwestern Transp. Co. (Council Bluffs) | HC | 1,000 |
| Hickory Acres Homeowners Assoc. (Dubuque) | WS | 500 |
| Pirelli Armstrong Tire Corp. (Polk Co.) | SW | 1,000 |
| Midway Oil Co. (Indianola) | UT | 300 |
| Paven Corp. & Midway Oil Co. (Toledo) | UT | 600 |

The following administrative penalties were paid last month:

| NAME/LOCATION | PROGRAM | AMOUNT |
|---|---------|--------|
| Guthrie Center, City of | AQ | 1,000 |
| Spring Lake Golf Course (Ft. Madison) | WS | 200 |
| Casey's General Store (Redfield) | UT | 900 |
| DeWayne McCoy d/b/a DeWayne's Auto Sales (Newton) | UT | 100 |
| Leisure Lake Inn (Bernard) | WS | 50 |
| Van Hulten Oil Company (Oskaloosa) | UT | 350 |
| Vincent Martinez d/b/a Martinez Sewer (Davenport) | HC | 590 |
| TOTAL | | 3,190 |

The \$200 penalty assessed to Gerks Seasonal MHP and Resort (Spirit Lake) has been rescinded.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
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| Name, Location and Region Number | Program | Alleged Violation | BNR Action | New or Updated Status | Date |
|--|--------------------------------------|--|---------------------------------|--|--|
| <hr/> | | | | | |
| A's Corner Oil Co. Carroll (4) | Hazardous Condition | Remedial Action | Order | Referred Petition Filed | 12/16/91 12/16/92 |
| <hr/> | | | | | |
| American Meat Protein Corp Lyons (3) | Wastewater | Pretreatment | Referred to Attorney General | Referred Petition Filed Motion to Add City Granted | 10/21/91 4/30/92 12/16/92 |
| <hr/> | | | | | |
| Ames Golf & Country Club Ames (5) | Wastewater | Op. Violations Effluent Limits | Referred to Attorney General | Referred | 8/19/91 |
| <hr/> | | | | | |
| Amoco Oil Company Des Moines (3) | Updated Underground Tank | Referred to Remedial Action | Referred Attorney General | Referred Suit Filed Trial Date | 8/21/90 10/15/90 9/27/91 10/25/93 |
| <hr/> | | | | | |
| Anthon, City of (3) | Wastewater | Discharge Limits | Order | Referred | 11/16/92 |
| <hr/> | | | | | |
| Archer Daniels Midland Co. Clatsop County (6) | Updated Wastewater Air Quality | Prohibited Discharge Emission Sds. | Referred to Attorney General | Referred Amended Petition Filed Referred Petition Filed Trial Date Consent Decree (\$1,000,000 Civil Compliance Order) | 3/18/91 10/28/91 5/20/91 10/04/91 1/18/93 1/22/93 |

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| Name, Location and Region Number | Program | Alleged Violation | BNR Action | New or Updated Status | Date |
|---|---------------------|---------------------------|--------------------------------------|---|---|
| Behounek, Paul and Todd Tama (5) | Air Quality | Open Burning | Referred to Attorney General | Referred Petition Filed | 5/18/92 12/11/92 |
| Birusingh, Kirshan A. Crescent (4) | Solid Waste | Illegal Disposal | Referred to Attorney General | Referred Petition Filed | 6/15/92 12/11/92 |
| Boley, Fred d/b/a Boley Oil McCasland (6) | Hazardous Condition | Remedial Action | Order | Referred Site Investigation Plan Petition Filed | 2/17/92 9/03/92 12/14/92 |
| Bryant, Robert D.V.M. d/b/a Cherokee Hog Farms Aurelia (3) | Wastewater | Prohibited Discharge | Referred to Attorney General | Referred Trial Information Trial Set | 7/15/91 5/19/92 1/ - 93 |
| Carney, Don and Gertrude Ft. Dodge (2) | Solid Waste | Illegal Disp. | Order-Penalty | Referred Petition Filed | 4/15/91 3/25/92 |
| Centerville, City of (5) | Wastewater | Pretreatment | Order-Penalty | Referred | 10/19/92 |
| Central Paving Corp. Indiana (5) | Underground Tank | Closure Investigation | Order-Penalty | Referred | 10/19/92 |
| Chicago, Central and Pacific R.R. Ft. Dodge (2) | Wastewater | Mtrg Rptg Effluent Limits | Referred to Attorney General | Referred | 9/21/92 |
| Chicago & Northwestern Transportation Co. Blue Chip Enterprises Hawkeye Land Company Iowa Falls (2) | Hazardous Condition | Remedial Action | Order | Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order:Change Venue to Hardin Co. Motion to Consolidate Brief Due Respondent's Brief Due Reply Oral Arguments | 8/19/91 8/14/91 9/16/91 11/21/91 12/31/91 9/01/92 10/16/92 12/21/92 3/10/93 |
| Chicago & Northwestern Transportation Co. Stanwood (6) | Air Quality | Open Burning | Referred to Attorney General | Referred | 5/07/92 |
| Cota Industries, Inc. Des Moines (5) | Hazardous Condition | Remedial Action | Order Order | Referred Petition for Judicial Review Order Granting Motion to Dismiss Notice of Appeal Affirmed by Supreme Court | 4/15/91 4/15/91 7/23/91 8/13/91 10/21/92 |
| Delanos Lounge Washington (6) | New | Drinking Water | Mtrg Rptg.- Nitrate Order-Penalty | Referred | 1/19/93 |
| Dillingham, V.R. Everts (3) | Underground Tank | Closure Investigation | Order-Penalty | Referred | 6/15/92 |
| Dito Trucking, Inc. Crescent (4) | Underground Tank | Closure Investigation | Referred to Attorney General | Referred Motion for Judgment | 4/20/92 12/02/92 |
| Duston, Lloyd Iowa County (6) | Solid Waste | Illegal Disp. | Order-Penalty | Referred Petition Filed | 12/16/91 8/26/92 |
| Ecology Enterprises, Inc.; Hollis D. DeVoe; Michael Murray; Robert Rausch Chickasaw County (1) | Solid Waste | Illegal Disposal | Referred to Attorney General | Referred | 6/15/92 |

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| Name, Location and Region Number | Program | Alleged Violation | DNR Action | New or Updated Status | Date | |
|--|-------------|---------------------------------------|---|--|--|--|
| Ervin, Don Webster County (2) | Solid Waste | Operation Without Permit | Order/Penalty | Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331) | 4/16/90 7/13/90 9/28/90 11/27/90 11/30/90 | |
| | | Permit Violations | Referred to Attorney General | Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review | 9/16/91 9/18/91 12/20/91 12/26/91 9/23/92 10/16/92 | |
| Faber, Don Des Moines (5) | Updated | Solid Waste | Illegal Disposal | Referred to Attorney General | Referred Petition Filed | 5/18/92 1/22/93 |
| First Iowa State Bank Albia (2) | | Solid Waste | Open Dumping | Order/Penalty | Petition for Judicial Review Ruling on Petition for Judicial Review Notice of Appeal State Filed Brief | 4/12/91 3/02/92 3/31/92 8/03/92 |
| Foland, Cloyd Decatur Co. (5) | New | Flood Plain | Unauthorized Construction | Order/Penalty | Post-Judicial Review Enforcement | 12/07/92 |
| Giese Construction Co. Ft. Dodge (2) | | Solid Waste Air Quality Burning | Illegal Dis- posal, Open | Referred to Attorney General | Referred | 5/29/92 |
| Giese Construction Co. Ft. Dodge (2) | New | Hazardous Cond. Wastewater | Site Contamination | Referred to Attorney General | Referred | 1/19/93 |
| Humboldt County Sanitary Landfill (2) | | Solid Waste | Cover Viola- tions, Other | Referred to Attorney General | Referred | 5/29/92 |
| IBP, Inc. Columbus Junction (6) | Updated | Wastewater | DNR Defendant | Defense | Suit Filed Judgment for DNR Motion to Enlarge Order Denying Motion Notice of Appeal | 3/17/92 10/28/92 11/06/92 12/16/92 1/11/93 |
| Iowa City, City of (6) | Updated | Solid Waste | Cover Violations | Referred to Attorney General | Referred Petition Filed | 4/20/92 1/21/93 |
| Landfill of Des Moines, Inc. Des Moines #4 (5) | | Solid Waste | Compliance Schedule, Other | Order/Penalty | Referred Petition Filed | 12/16/91 9/01/92 |
| Landfill of Des Moines, Inc. Des Moines #5 (5) | | Solid Waste | Compliance Schedule, Other | Order/Penalty | Referred Petition Filed | 5/18/92 9/01/92 |
| Lothen, R. D. d/b/a Lothen Veterinary Services Osage (2) | | Underground Tank | Closure Investigation | Order/Penalty | Referred Petition Filed | 4/20/92 12/18/92 |
| Lucas-Monroe County Sanitary Landfill (5) | | Solid Waste | Other | Referred to Attorney General | Referred | 5/29/92 |
| Lytton, City of (3) | | Wastewater | Pretreatment | Referred to Attorney General | Referred Petition Filed (Added to AMPC) | 5/18/92 12/28/92 |
| Masadam, Donald Rolfe (3) | | Solid Waste | Operation Without Permit | Order | Referred Petition Filed | 1/21/92 8/26/92 |
| MacMillan Oil Co., Inc.; The Graham Group, Inc. Des Moines (5) | | Wastewater | Prohibited Dis- charge; Remedial Action | Referred to Attorney General | Referred | 7/20/92 |
| Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6) | | Hazardous Condition | Remedial Action | Order/Penalty | Referred Petition Filed | 2/17/92 12/21/92 |
| Bob McKinise Excavating & Grading v. IDNR | | Hazardous Condition | DNR Defendant | Defense | Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and Bifurcation | 3/12/91 5/01/91 3/26/92 |

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| Name, Location and Region Number | Program | Alleged Violation | DNR Action | New or Updated Status | Date |
|--|------------------------------|--|---------------------------------|--|--|
| Midway Water & Lighting Marion (1) | Drinking Water | Mtrg Rptg; MCL-Bacteria | Order/Penalty | Referred | 12/21/92 |
| Midwest Environmental Law Center v. EPC | Air Quality | DNR Defendant | Defense | Suit Filed Motion for Summary Judgment Summary Judgment Denied Trial Petitioner's Brief Due State's Brief Due | 12/03/91 4/10/92 5/22/92 12/22/92 1/15/93 1/29/93 |
| Monfort, Inc. Des Moines (5) | Wastewater | Prohibited Discharge | Referred to Attorney General | Referred Trial Info. Filed (Polk Co.) Pre-Trial Hearing Trial Date | 12/11/89 7/19/91 7/31/92 1/ / 93 |
| Moore, Ron d/b/a 63-180 Cafe Maloom (5) | Drinking Water | Mtrg Rptg Nitrate; Other | Order/Penalty | Referred | 11/16/92 |
| Marquis, Craig d/b/a Seven Ponds Park Sperry (6) | Drinking Water | Mtrg Rptg Bacteria & Nitrate | Order/Penalty | Referred | 12/21/92 |
| Nollen, Harold d/b/a Nollen Phillips 66 Harlan (4) | Underground Tank | Closure Investigation | Referred to Attorney General | Referred | 4/20/92 |
| Page, Leonard Kent (4) | Underground Tank | Closure Investigation | Order/Penalty | Referred | 6/15/92 |
| Peasey, Shirley d/b/a Joe's Place Sedona (2) | Underground Tank | Closure Investigation | Order/Penalty | Referred | 11/16/92 |
| Pringle, Michael and Brenda d/b/a Foller's Tap Camarache (6) | Drinking Water | Mtrg Rptg Bacteria/Nitrate | Referred to Attorney General | Referred | 6-15-92 |
| Prins, John; Bradford Paving Bradford (2) | Underground Tank | Closure Investigation | Order | Referred Petition Filed | 10/19/92 12/24/92 |
| Rankin, Neil d/b/a Rankin Rooting & Siding Knoxville (5) | Air Quality | Open Burning | Order/Penalty | Referred | 12/21/92 |
| Reeds Interstate Sales New Virginia (5) | New Drinking Water | MCL-Bacteria Mtrg Rptg.- Bacteria | Order/Penalty | Referred | 1/19/93 |
| Sadler, Bernard and Ger Mer Farms, Inc. Allamakee Co. (1) | Solid Waste | Illegal Disposal | Order/Penalty | Referred Petition Filed | 9/21/92 12/24/92 |
| Schultz, Albert and Iowa Iron Works Ely (1) | Solid Waste | Open Dumping | Referred to Attorney General | Referred Suit Filed Trial Date | 9/20/89 8/08/91 4/19/92 |
| Shelley, Roberto and Sally Guthrie Center (4) | Updated Solid Waste | Illegal Disposal | Order/Penalty | Referred Petition Filed Trial Date Ruling (\$1,000/Admin.; Clean-up Ordered) Notice of Appeal Appellant's Brief State's Brief | 4/15/91 7/16/91 5/19/92 8/25/92 9/17/92 11/09/92 1/11/93 |
| Smith, Don Dallas Center (5) | Underground Tank | Closure Investigation Failure to Register | Order | Referred | 10/19/92 |
| Soo Line Railroad Co. Mason City (2) | Wastewater Haz. Condition | Prohibited Discharge Remedial Action | Referred to Attorney General | Referred Petition Filed | 7/15/91 12/17/92 |

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| Name, Location and Region Number | Program | Alleged Violation | DNR Action | New or Updated Status | Date |
|---------------------------------------|--------------------|--|------------------------------|---|--|
| Stark, Marion Ketterton (4) | Underground Tank | Closure Investigation | Order Penalty | Referred | 10/19/92 |
| Starling, Vern Perry (5) | Solid Waste | Illegal Disposal | Order | Referred | 11/16/92 |
| Sun Wise Systems Corp. See City (3) | Updated Wastewater | Pretreatment | Referred to Attorney General | Referred Petition Filed Trial Date Consent Decree (\$7,200.00 Civil Inspection) | 10/15/90 11/27/91 1/26/93 1/14/93 |
| Tama City of (5) | Wastewater | Discharge Limitations | Referred to Attorney General | Referred | 6/15/92 |
| Tandem-Oak Park Assoc. Fort Dodge (2) | Drinking Water | Mtrg Sping Bacteria laorg. Organics Rad. | Order Penalty | Referred | 7/20/92 |
| Van Hulzen, Kenneth Oskaloosa (5) | Underground Tank | Closure Investigation | Order Penalty | Referred Motion for Judgment | 6/15/92 12/02/92 |
| Vonderhaar, Leonard Holy Cross (1) | Air Quality | Open Burning | Referred to Attorney General | Referred | 8/17/92 |
| Winterset, City of (5) | Wastewater | Effluent Limits | Referred to Attorney General | Referred | 7/20/92 |
| Wunschel, Venus Ida Grove (3) | Underground Tank | Closure Investigation | Order Penalty | Referred | 2/17/92 |
| Yensen, Clifford Council Bluffs (4) | Solid Waste | Illegal Disposal | Referred to Attorney General | Referred Petition Filed | 4/20/92 11/23/92 |
| Young Radiator Co. Centerville (5) | Wastewater | Pretreatment | Order | Referred | 11/15/92 |

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
February 1, 1993

| DATE RECEIVED | NAME OF CASE | ACTION APPEALED | PROGRAM | ASSIGNED TO | STATUS |
|---------------|--|----------------------|---------|-------------|--|
| 1-23-86 | Delwin Soil Service | Administrative Order | WU | Lande | Hearing continued. |
| 5-12-87 | Iowa City Regency MHP | Administrative Order | WU | Hansen | Facility required to provide schedule. |
| 1-15-88 | First Iowa State Bank | Administrative Order | SU | Kennedy | Appealed to Supreme Court. |
| 2-05-88 | Warren County Brenton Bank | Administrative Order | UT | Wornton | SCR submitted - more work required. |
| 10-20-88 | Worth Co. Co-Op Oil Northwood Cooperative Elevator Survey Refining and Marketing Co. | Administrative Order | HC | Murphy | Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. |
| 1-25-89 | Amoco Oil Co. - Des Moines 7LY03 | Administrative Order | UT | Wornton | Clean-up progressing. Review progress. |
| 5-01-89 | Amoco Oil Co. - West Des Moines | Administrative Order | UT | Wornton | Compliance initiated. Review progress. |
| 6-05-89 | Shaver Road Investments | Site Registry | WU | Lande | Hearing continued. Discovery initiated. |
| 6-08-89 | Hawkeye Rubber Mfg. Co. | Site Registry | WU | Lande | Hearing continued. Discovery initiated. |
| 6-08-89 | Lehigh Portland Cement Co. | Site Registry | WU | Murphy | Hearing continued. Discovery initiated. |
| 6-12-89 | Amana | Site Registry | HC | Lande | Negotiating before filing. |

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| DATE RECEIVED | NAME OF CASE | ACTION APPEALED | PROGRAM | ASSIGNED TO | STATUS |
|---------------|--|--------------------------------------|---------|-------------|---|
| 6-22-89 | Chicago & Northwestern Transportation Co. Kenkoye Land Co. Blue Chip Enterprises | Administrative Order | HC | Lande | Petition for judicial review of agency action. |
| 10-24-89 | Farmers Cooperative Elevator Association of Sheldon | Site Registry | HC | Lande | Negotiation proceeding. |
| 10-24-89 | Consumers Cooperative Assoc. | Site Registry | HC | Lande | Negotiation proceeding. |
| 11-03-89 | Bridgestone/Firestone, Inc. | Site Registry | HC | Murphy | Hearing continued pending negotiations. |
| 11-20-89 | FFCA/IIIP | Site Registry | HC | Murphy | Considering dismissal. |
| 4-23-90 | Siox City, City of | Administrative Order | WU | Hansen | Informal meeting held on 5/18/90. |
| 5-08-90 | Texaco Inc./Chempex Co. Site | Site Registry | WU | Lande | Settlement proposed. |
| 5-14-90 | Van Dusen Airport Services | Administrative Order | HC | Lande | Compliance initiated. |
| 5-16-90 | Alter Trading Corp. (Council Bluffs) | Administrative Order | SU | Kennedy | Negotiating before filing. |
| 5-15-90 | Des Moines, City of | Administrative Order | HC | Lande | Hearing continued. Settlement proposed. |
| 6-20-90 | Des Moines, City of | WPOES Permit Cond. | WU | Hansen | City response reviewed by EPS. |
| 6-26-90 | Maple Crest Hotel and Mobile Home Park | Administrative Order | VS | Hansen | Negotiating settlement/letter sent 7/31/92. |
| 7-02-90 | Kankuk Savings Bank and Trust Kankuk Coal Gas Site | Site Registry | WU | Lande | Hearing continued. |
| 7-11-90 | Chicago & Northwestern Co.; Steve L. Carroll; Susan E. and Tracy A. Carroll | Administrative Order | WR | Kennedy | New orders issued 12/28/90 rescinding prior orders. |
| 11-20-90 | | Administrative Order | SU | Kennedy | Case completed. Settled. |
| 7-23-90 | ISP, Inc. Perry | Administrative Order WPOES Permit | WU | Hansen | Final amended permit issued 8/14/92. |
| 7-30-90 | Key City Coal Gas Site; Murphy Trust & Howard Pixler | Site Registry | WU | Lande | Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust). |
| 8-01-90 | J.I. Case Company | Site Registry | WU | Preziosi | Hearing set for 5/3/93. |
| 9-10-90 | ISP, Inc. Columbus Junction | Administrative Order WPOES Permit | WU | Hansen | Appealed to Polk Co. District Court. Judgment for DNR. Appealed to Supreme Court. |
| 9-12-90 | Michael & Joyce News; George M. Gronau | Administrative Order | UT | Wernson | Awaiting UST Fund decision on eligibility. |
| 9-20-90 | Quane Schwartzing | Variance Denial | SU | Kennedy | Hearing continued. |
| 10-15-90 | Westside General Store Corp. | Administrative Order | UT | Wernson | Amended AQ for SCR. Review - no response. |
| 10-18-90 | Merlan Pruess | Claim | HC | Murphy | Hearing held 10/01/92. Briefs filed. |
| 11-15-90 | Springwood Enterprises, Inc. | Water Use Permit | WR | Clark | Hearing continued. |
| 12-04-90 | United States Gypsum Company | Administrative Order | SU | Kennedy | Negotiating before filing. |
| 12-21-90 | Des Moines, City of | Administrative Order | UT | Wernson | Settlement proposed. Review. |
| 12-27-90 | Mcatee Tire Service, Inc. | Administrative Order | SU | Kennedy | Hearing continued. |
| 1-07-91 | Joe E. Eggers, Jr.; Joe and Mary Eggers | Administrative Order | SU | Kennedy | Negotiating before filing. |

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ENVIRONMENTAL PROTECTION COMMISSION
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| DATE RECEIVED | NAME OF CASE | ACTION APPEALED | PROGRAM | ASSIGNED TO | STATUS |
|---------------|---|--------------------------|---------|-------------|--|
| 1-09-91 | Iowa Southern Utilities | Administrative Order | HC | Preziosi | Hearing continued to 2/09/93. |
| 1-28-91 | McDowell Dam #1 & #2 | Administrative Order | FP | Clark | Negotiating before filing. |
| 3-08-91 | ADM - Cedar Rapids | Conditional Permit | AG | Preziosi | Negotiating settlement. |
| 3-22-91 | Mitchell Bros. Beans and Gifts | Administrative Order | WM | Murphy | Negotiating before filing. |
| 5-09-91 | Oskaloosa Food Products Corp. | Administrative Order | WM | Hansen | Letter sent 9/4/92 regarding resolution of appeal. |
| 5-16-91 | Oskaloosa, City of | Administrative Order | WM | Hansen | Letter sent 9/4/92 regarding resolution of appeal. |
| 5-20-91 | Great Rivers Corp.-Lockridge | Site Registry | HC | Murphy | Settlement proposed. |
| 7-15-91 | Des Moines Independent School District - North High School | Site Registry | HC | Murphy | Hearing continued. |
| 7-22-91 | Rupp Tire | Administrative Order | UT | Wornson | Consent order drafted. Awaiting execution. |
| 7-24-91 | Alter Trading Corp. (Davenport) | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 7-27-91 | Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co. | Administrative Order | HC | Murphy | Hearing continued. Compliance initiated. |
| 8-29-91 | Iowa Southern Utilities | Certificate to Construct | AG | Preziosi | Utility Board hearing held 12/16/92. Awaiting ALJ decision. |
| 9-04-91 | Duane Arnold Energy Center | Permit Condition | WM | Hansen | Information received 3/16/92; under review by EPD. |
| 9-25-91 | Archer Daniels Midland | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 9-27-91 | Battle Creek, City of | Administrative Order | US | Hansen | Construction permit for new wells issued 12/4/92. |
| 10-02-91 | ISP, Inc. - Storm Lake | Permit Conditions | WM | Hansen | Negotiating before filing. |
| 10-30-91 | West Liberty, City of | Permit Conditions | WM | Hansen | Negotiating before filing; under review by EPD. |
| 12-03-91 | State Central Bank | Administrative Order | UT | Wornson | Closure complete - need report. Review. |
| 12-05-91 | Tower Club | Administrative Order | US | Hansen | Report submitted to EPD/under review by US. |
| 12-31-91 | Linden Water Supply | Administrative Order | US | Hansen | Dept. letter to City attorney - 11/25/92 regarding failure to submit permit application. |
| 1-07-92 | Wlots, City of | Administrative Order | US | Hansen | Preliminary engineering report reviewed by US. Schedule requested by US. |
| 1-17-92 | Hickory Hollow Water Co. | Administrative Order | US | Hansen | Ltr. received 7/28/92 regarding compliance. |
| 1-21-92 | Deit Oil, Ltd. | Administrative Order | HC | Wornson | Briefing scheduled for February EPC submission. |
| 1-30-92 | Center Oil Co., Inc. | Administrative Order | HC | Murphy | Negotiating before filing. |
| 2-25-92 | Nordstrom Oil Co. | Administrative Order | HC | Murphy | Negotiating before filing. |
| 2-28-92 | William M. Viner | Administrative Order | UT | Wornson | Consent order drafted. Awaiting execution. |
| 3-12-92 | Farmers Cooperative Elevator - Hertelle | Administrative Order | HC | Murphy | Negotiating before filing. |
| 3-23-92 | Partners-Four Investments-Rockwell | Administrative Order | UT | Wornson | Penalty settlement accepted/awaiting payment. |
| 3-23-92 | Partners-Four Investments-Marble Rock | Administrative Order | UT | Wornson | Penalty settlement accepted/awaiting payment. |
| 3-30-92 | White Consolidated Industries | Administrative Order | WM | Hansen | Negotiating before filing. |

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| DATE RECEIVED | NAME OF CASE | ACTION APPEALED | PROGRAM | ASSIGNED TO | STATUS |
|--------------------------------|--|---|---------|-------------|--|
| 4-03-92 | Charles P. Schafer; Stringtown Properties; First Community National Bank | Administrative Order | UT | Wernson | Hearing set for 3/12/93. 1/12/93 deadline for petitions. |
| 4-06-92 | Community Cooperative Oil Co. - Marcus | Administrative Order | UT | Wernson | Penalty settlement accepted/awaiting payment. |
| 4-07-92 | Humboldt Co. Sanitary Landfill | Administrative Order | SU | Kennedy | Hearing continued until further order. |
| 4-09-92 | Wayne Transports, Inc. | Administrative Order | WJ | Murphy | Negotiating before filing. |
| 4-13-92 | Stringtown Country Cafe | Administrative Order | WS | Hansen | Emergency AO issued supplementing 2nd Emergency AO |
| 4-14-92 | Clement Auto & Truck, Inc. | Administrative Order | UT | Wernson | Hearing set for 2/18/93. Petition due 1/11/93. |
| 4-15-92 | Mulgrew Oil Co. | Administrative Order | HC | Wernson | Negotiating before filing. |
| 4-16-92 | Susledale, City of | Administrative Order | WS | Hansen | City report submitted. Next report due 2/93. |
| 4-17-92 | John M. Staub d/b/a Mr. Convenient | Administrative Order | UT | Wernson | Site check received. Penalty settlement pending. |
| 4-24-92 | Charles A. Kerr | Administrative Order | UT | Wernson | Financial inability claimed. Requesting documents. |
| 4-30-92 | Poweshiek Water Assoc. | Administrative Order | WS | Hansen | Negotiating before filing. |
| 5-05-92 | Lincoln Farm & Home Service | Administrative Order | WJ | Murphy | Negotiating before filing. |
| 5-05-92 | Plymouth Cooperative Oil Co. | Administrative Order | WJ | Murphy | Negotiating before filing. |
| 5-12-92 | Paris & Sons, Inc. | Site Registry | HC | Murphy | Negotiating before filing. |
| 5-15-92 | Heartland Lysine, Inc. | Tax Certification | AO | Preziosi | Negotiating before filing. |
| 5-27-92 | Beckett Chevrolet-Olds | Administrative Order | UT | Wernson | Financial inability claimed. Request documents. |
| 6-05-92 | Wilson Foods | Permit Denial | AO | Preziosi | Negotiating before filing. |
| 6-10-92 | Marjorie Jarvis | Administrative Order | UT | Wernson | Hearing postponed. Petition due 2/16/93. |
| 6-15-92 | Country Estates RHP | Administrative Order | WS | Clark | Negotiating before filing. |
| 6-23-92 | Chickasaw County Board of Supervisors, Chickasaw Co. SLF | Administrative Order | SM | Kennedy | Negotiating before filing. |
| 6-24-92 | Karl Ludwig; Jena, Inc.; Nole Oil Co.; TFM Co. | Administrative Order | UT | Wernson | Settlement proposed. Hearing 3/25/93. - join 10GT. |
| 6-26-92 10-05-92 1-12-93 | Waste Systems Corp. and Robert Roth d/b/a Winnebago Co. SLF | Administrative Order Denial of Comp. Plan Amended Order | SU | Kennedy | Stay hearing 2/10/93. |
| 7-01-92 | Richard A. Neuman | Administrative Order | SU | Kennedy | Negotiating before filing. |
| 7-01-92 | Des Moines Independent School District-North High | Administrative Order | WJ | Murphy | Negotiating before filing. |
| 7-15-92 | Gerks Seasonal RHP and Resort | Administrative Order | WS | Hansen | Facility reclassified. Appeal resolved. |
| 7-26-92 | LeVerne Rehder | Administrative Order | UT | Wernson | Compliance with closure; negotiating penalty. |
| 8-06-92 | Randy Bonin and Vickie Brannick | Administrative Order | SM | Kennedy | Negotiating before filing. |
| 8-13-92 | Ida County Sanitary Landfill | Administrative Order | SM | Kennedy | Negotiating before filing. |
| 8-13-92 | Iowa Conference of the United Church of Christ | Administrative Order | FP | Clark | Negotiating before filing. |
| 8-26-92 | Dean Hoerness d/b/a Hoerness & Sons | Administrative Order | UT | Wernson | Financial inability claimed. Request documents. |

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|---------------|--|----------------------|---------|-------------|--|
| 8-27-92 | Decatur City, City of | Administrative Order | UT | Wornson | Negotiating before filing - follow-up. |
| 8-31-92 | Cedar Valley Corp. | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 9-02-92 | South High Point Well Assn. #1 | Administrative Order | US | Hansen | Hearing set for 2/25/93. |
| 9-03-92 | Case Power and Equipment | Administrative Order | US | Hansen | Letter from Case's attorney dated 10/14/92. DNR response - 10/22/92. |
| 9-21-92 | Buffalo Bill Estates, Inc. | Administrative Order | US | Clark | Negotiating before filing. |
| 9-21-92 | ITWC | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 9-22-92 | King's Terrace MHP | Administrative Order | WJ | Murphy | Negotiating before filing. |
| 9-28-92 | Don Fertel | Administrative Order | AQ | Preziosi | Settlement close. |
| 10-06-92 | Lloyd Decker | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 10-07-92 | E. Kent and Joan Cooper | Administrative Order | UT | Wornson | Motion to join. Notice to additional party. |
| 10-12-92 | Sioux City Brick & Tile Co. | Administrative Order | WJ | Hansen | Settlement offer accepted by DNR. Settled. |
| 10-12-92 | Eldon Krambeck | Administrative Order | AQ | Preziosi | Negotiating before filing. |
| 10-16-92 | Country Mobile Home Court | Administrative Order | US | Hansen | Settlement offer made 11/25/92. Response from attorney for US regarding settlement 1/93. |
| 10-16-92 | Ron Jungling d/b/a Jungling Service | Administrative Order | UT | Wornson | Confirming compliance. Negotiating penalty. |
| 10-16-92 | Ames, City of; Cy-Ride | Permit Denial | AQ | Preziosi | Negotiating before filing. |
| 10-28-92 | Albert Rohrer, Jr. | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 11-05-92 | Jewayne McCoy d/b/a Jewayne's Auto Sales | Administrative Order | UT | Wornson | Settled.. |
| 11-13-92 | Cargill Incorporated d/b/a Walnut Grove Products | Administrative Order | WJ | Murphy | Settlement close. |
| 11-13-92 | Tracy Below | Administrative Order | WJ | Clark | Hearing set for 3/2/93. |
| 11-16-92 | Grand Laboratories Inc. | Administrative Order | WJ | Hansen | Negotiating before filing. |
| 11-16-92 | Frank Mulshizer | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 11-23-92 | Cargill, Inc. | Administrative Order | SW/WJ | Kennedy | Informal meeting 12/4/92. |
| 12-14-92 | Quantum | Permit Conditions | WJ | Hansen | 1/23/93 - info submitted for DNR review. Informal meeting - 2/26/93. |
| 12-14-92 | Gary Lalor | Administrative Order | AQ/SW | Kennedy | Negotiating before filing. |
| 12-15-92 | ISP, Inc. Geneseo, IL | SMA Denial | SW | Kennedy | Negotiating before filing. |
| 12-17-92 | Gantz Enterprises | Administrative Order | AQ | Preziosi | Settlement close. |
| 1-07-93 | Hickory Acres Homeowners Assn. | Administrative Order | US | Hansen | Settlement letter sent 1/22/93. |
| 1-12-93 | Chicago & North Western Transportation Co. | Administrative Order | WC | Wornson | New case. |
| 1-22-93 | Pirelli Armstrong Tire Co. | Administrative Order | SW | Kennedy | Negotiating before filing. |
| 1-28-93 | Midway Oil Company (Indiana) | Administrative Order | UT | Wornson | New case. |
| 1-28-93 | Raven Corp.; Midway Oil Co. (Toledo) | Administrative Order | UT | Wornson | New case. |
| 1-28-93 | Lehigh Portland Cement | Permit Conditions | WJ | Hansen | New case. |

Mr. Murphy presented the monthly reports.

Charlotte Mohr asked about the Robert Bryant case in Cherokee.

Mr. Murphy replied that the case was continued.

Discussion followed regarding the large penalty check received from ADM.

Margaret Pahl asked the status of the Don Ervin case appeal.

Mr. Murphy stated that a decision on that case should be made this month.

INFORMATIONAL ONLY

PROPOSED RULE--CHAPTERS 100 AND 102, SPECIAL WASTE AUTHORIZATIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Notice of Intended Action to amend Chapter 100 and Chapter 102 to add Special Waste Authorization rules is proposed to be amended due to substantial changes from the original notice.

Following the public hearing on March 18, 1992, several changes were made to the proposed rule as a result of comments received:

- * Clarify the definition of "special waste"
- * Add a definition for "industrial process waste"
- * Clarify the testing requirements
- * Add a list of Total PAHs and Total Carcinogenic PAHs
- * Add language to allow other methods of handling infectious waste

In addition, the Department has determined that since these proposed rules clearly define wastes which require special handling for disposal in landfills, clearly define the criteria for such disposal, and due to limited staff resources, the Department will no longer issue special waste authorizations but will shift that duty to the sanitary landfill operators. The sanitary landfill operators will be required to maintain documentation of compliance with the special waste authorization rules. Since the revision was made after the previous hearing, the change was considered to be significant enough to warrant another hearing.

At the Commission's request, language has been developed to exclude waste generated in a doctor's office from requiring a SWA. Two alternatives are provided. A definition for "Other

Medical Waste" has also been added. "Other medical waste" has also been added to the definition of "infectious waste".

ENVIRONMENTAL PROTECTION COMMISSION (567)
Amended Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.304, the Environmental Protection Commission amends its Notice of Intended Action to amend Chapter 100 "Scope of Title - Definitions - Forms - Rules of Practice," and Chapter 102, "Permits," Iowa Administrative Code. An amended notice is being filed due to substantial proposed changes from the original Notice.

A Notice of Intended Action was published on February 19, 1992, as ARC 2803A, and a public hearing was held on March 18, 1992. The following changes were made from the proposed amendments, based upon public comments:

Items 1 and 4, 100.3(2) and 102.15(2), specifically states that the generator of the waste submits the request for a Special Waste Authorization (SWA).

Item 2, 100.2, clarified the definition of "special waste".

Items 2 and 4, 100.2, 102.2, 102.15(2), and 102.15(2)e(1), add a definition of "industrial process waste".

Items 3 and 4, 100.3(2) and 102.15(2), specifically states that the generator of the waste submits the request for a Special Waste Authorization (SWA).

Item 4, 102.15(2)d(1) - (now e(1)), 102.15(2)b, clarify the testing requirements necessary for showing that the waste is non-hazardous.

Item 4, 102.15(2)e(1) - (now f(1)), clarify the correct terms to be used in describing the test methods/requirements.

Item 4, 102.15(2)d(6) - (now e(6)), removed this subparagraph which was contradictory with other parts of the proposed rule.

Item 4, 102.15(2)e(4) and (12), delete wastewater grit and bar screenings, and pathological wastes and animal carcasses from this section. The latter is covered under "other infectious wastes".

Item 4, 102.15(2)e(15) - (now f(13)), add a list of Total PAH's and Total Carcinogenic PAH's.

Item 4, 102.15(2)e(8) - (now f(7)), clarify the department's requirements for incineration, autoclaving, and add language to allow other methods to render infectious waste nonpathogenic on a case-by-case basis.

In addition, the department has determined that since these proposed rules clearly define wastes which require special handling for disposal in landfills, clearly define the criteria for such disposal, and due to limited staff resources, the department will no longer issue special waste authorizations but will shift that duty to the landfill operators. The operators will be required to maintain documentation of compliance with the special waste rules - 102.15(2)"d". These changes are reflected in items 2, 3 and 4.

Written comments may be directed to Lavoy Haage, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, FAX (515)281-8895, on or before April 17, 1993. Interested persons may also provide oral comments at a public hearing to be held April 7, 1993, at 1:00 p.m. in the 4 West Conference Room, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa.

These rules are intended to implement Iowa Code sections 455B.304 and 455B.490.
These amendments may impact small businesses.
The following amendments are proposed.

ITEM 1. Amend rule 567-100.2(455B, 455D) by amending the definition of "toxic and hazardous wastes" as follows:

"Toxic and hazardous wastes" means waste materials, including but not limited to, poisons, pesticides, herbicides, ~~fungicides, insecticides, acids, caustics, pathological wastes,~~ flammable or explosive materials and similar harmful wastes which ~~require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety because of their physical, toxicological, or chemical properties are a waste which may not be disposed of in a sanitary landfill.~~ All wastes which are subject to regulation as "hazardous wastes" under the Resources Conservation and Recovery Act are "toxic and hazardous wastes."

ITEM 2. Further amend rule 567-100.2(455B, 455D) by adding the following new definitions in alphabetical order:

"Special waste" means waste materials, including but not limited to nonhazardous industrial process wastes, infectious wastes, and similar potentially harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety and may be disposed of in a sanitary landfill in Iowa if authorized by subrule 102.15(2) and the sanitary landfill operator.

"Infectious" means containing pathogens with sufficient virulence and quantity so that exposure to an infectious agent by a susceptible host could result in an infectious disease when the infectious agent is improperly treated, stored, transplanted, or disposed.

"Infectious waste" means waste which is infectious, including but not limited to contaminated sharps, cultures and stocks of infectious agents, blood and blood products, pathological waste, other medical wastes, and contaminated animal carcasses from hospitals or research laboratories.

"Contaminated sharps" means all discarded sharp items derived from patient care in medical, research, or industrial facilities including glass vials containing materials defined as infectious, suture needles, hypodermic needles, scalpel blades, and pasteur pipettes.

"Cultures and stocks of infectious agents" means specimen cultures collected from medical and pathological laboratories, intravenous tubing, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biological agents, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate or mix cultures.

"Human blood and blood products" means human serum, plasma, other blood components, bulk blood, or containerized blood in quantities greater than 20 milliliters.

"Other medical waste" means all discarded bandages, gauze, dressings, rubber gloves, swabs, and similar items derived from patient care in medical, research, or industrial facilities.

"Pathological waste" means human tissues and body parts that are removed during surgery or autopsy.

"Contaminated animal carcasses" means waste including carcasses, body parts and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals.

"Industrial process waste" means waste that is generated as the direct result of producing goods and commodities. It does not include office waste, cafeteria waste, or other types of waste that are not the direct result of production processes.

ITEM 3. Amend subrule 100.3(2) as follows:

100.3(2) ~~Industrial sludge and toxic and hazardous waste disposal instructions~~ Special waste disposal instructions. Requests for special waste authorizations instructions for the disposal of ~~hazardous or toxic waste~~ special waste, as required by ~~102.14(2)~~ 102.15(2) shall be submitted to the sanitary landfill operator.

Administrative Support Station
Environmental Protection Division
Iowa Department of Natural Resources
Henry A. Wallace Building
900 East Grand
Des Moines, Iowa 50319

Further amend subrule 100.3(2) by amending paragraph "a" as follows:

a. Requests shall be made by submitting information substantially complying with Form 46 (542-3216) "Request for Special Waste Authorization" accompanied by supporting data as deemed necessary by the ~~department~~ sanitary landfill operator. In case of emergency, instructions may be obtained by telephone by calling ~~(515)281-8692~~ the sanitary landfill operator. ~~In those limited circumstances when the waste is unused commercial product in the original container which has attached legible labels and there is a reasonable certainty that the label accurately represents the contents of the container the owner of this waste need only submit a Waste Disposal of Commercial Products Only form, Form 47 (542-3148).~~

ITEM 4. Amend rule 567-102.15(455B) by adding the following introductory paragraph:

The goal of the Special Waste Authorization Program is to ensure that all wastes are properly disposed of. Toxic and hazardous wastes, as defined in rule 567-100.2(455B, 455D), shall not be disposed of in a sanitary landfill in Iowa.

Amend subrule 102.15(2) as follows: (Also see alternatives on attachment.)

102.15(2) ~~Industrial sludge and toxic and hazardous waste~~. Special waste. No ~~special~~ ~~sludge or toxic and hazardous~~ waste shall be delivered to nor disposed by a sanitary landfill unless explicit instructions are first obtained from the ~~department~~ sanitary landfill operator.

a. For procedure see ~~rule 100.3(2)~~ 567-100.3(2).

b. Prior to the issuance of any such instructions, the department sanitary landfill operator may require that a proposal for disposal of such waste in conformance with these rules, with supporting data as may be deemed necessary, be submitted by the originator of such waste for evaluation by the department. The prohibition of such waste shall continue in effect until an acceptable procedure for processing or disposal has been developed and approved analytical testing supporting the characterization of the waste as nonhazardous. Analytical testing requirements include (1) characteristic of ignitability, (2) characteristic of corrosivity, (3) characteristic of reactivity, (4) Toxicity Characteristic Leaching Procedure (TCLP) for all Toxicity Characteristic (TC) analytes, (5) Paint Filter Liquids Test. Methods to be used for determining these characteristics are Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, November, 1986, Third Edition, U.S. EPA, SW-846 and additions thereto. The analytical results must be submitted along with the "Request for Special Waste Authorization" form, Form 46 (542-3216). The TC testing requirements may be altered if the sanitary landfill operator believes there is sufficient evidence supporting the absence of a constituent or constituents usually required by the TCLP. Material Safety Data Sheets may be used as supporting evidence if the waste constituents are clearly listed. The sanitary landfill operator may refuse any Material Safety Data Sheet which is not properly and sufficiently prepared.

c. All ~~toxic or hazardous waste or industrial sludge~~ special waste for which instructions have been received shall be disposed according to those instructions.

d. The sanitary landfill operator shall maintain any analytical test data submitted from a waste generator, completed Request for Special Waste Authorization forms, and original issued Special Waste Authorizations. These records shall be maintained on file at the landfill office. The appropriate Department of Natural Resources field office shall receive a copy of any Special Waste Authorizations issued by a sanitary landfill operator. The copy shall include the appropriate instructions for disposal as well as a copy of the original Special Waste Authorization. Semiannual reports summarizing the disposal for the reporting period shall be submitted for all specially authorized wastes received. The reporting periods shall be January 1 through June 30 and July 1 through December 31 each year. The reports shall include identification of the wastes and volumes authorized, the waste generator, the period of disposal, copies of disposal records, the date of disposal, and the horizontal and vertical location of all special wastes disposed at the site. The locations shall be tied to permanent site benchmarks and monuments. Petroleum contaminated soil quarterly testing results shall be submitted with semiannual special waste reports. If an authorized waste is not received, a statement to that effect shall be included in the semiannual special waste reports. Copies of this report shall be sent to both the main office and appropriate field office of the department.

e. Wastes may be disposed under a Special Waste Authorization if the waste is nonhazardous as determined by the following criteria:

(1) No TC (Toxicity Characteristic) analytes as determined using the TCLP (Toxicity Characteristic Leaching Procedure) over the following federally regulated levels:

| | |
|---------|------------|
| Arsenic | 5.0 mg/l |
| Barium | 100.0 mg/l |
| Benzene | 0.5 mg/l |
| Cadmium | 1.0 mg/l |

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|--------------------------------|------------|
| Carbon tetrachloride | 0.5 mg/l |
| Chlordane | 0.03 mg/l |
| Chlorobenzene | 100.0 mg/l |
| Chloroform | 6.0 mg/l |
| Chromium | 5.0 mg/l |
| o-Cresol | 200.0 mg/l |
| m-Cresol | 200.0 mg/l |
| p-Cresol | 200.0 mg/l |
| Cresol | 200.0 mg/l |
| 2,4-D | 10.0 mg/l |
| 1,4 Dichlorobenzene | 7.5 mg/l |
| 1,2 Dichloroethane | 0.5 mg/l |
| 1,1 Dichloroethylene | 0.7 mg/l |
| 2,4 Dinitrotoluene | 0.13 mg/l |
| Endrin | 0.02 mg/l |
| Heptachlor (and its hydroxide) | 0.008 mg/l |
| Hexachlorobenzene | 0.13 mg/l |
| Hexachloro-1,3-butadiene | 0.5 mg/l |
| Hexachloroethane | 3.0 mg/l |
| Lead | 5.0 mg/l |
| Lindane | 0.4 mg/l |
| Mercury | 0.2 mg/l |
| Methoxychlor | 10.0 mg/l |
| Methyl ethyl ketone | 200.0 mg/l |
| Nitrobenzene | 2.0 mg/l |
| Pentachlorophenol | 100.0 mg/l |
| Pyridine | 5.0 mg/l |
| Selenium | 1.0 mg/l |
| Silver | 5.0 mg/l |
| Tetrachloroethylene | 0.7 mg/l |
| Toxaphene | 0.5 mg/l |
| Trichloroethylene | 0.5 mg/l |
| 2,4,5-Trichlorophenol | 400.0 mg/l |
| 2,4,6-Trichlorophenol | 2.0 mg/l |
| 2,4,5-TP (Silvex) | 1.0 mg/l |
| Vinyl chloride | 0.2 mg/l |

(2) Paint-related wastes require TCLP testing of an additional nine constituents. The additional nine regulatory limits are as follows:

| | |
|---------------|-----------|
| Acetone | 10.0 mg/l |
| Butyl alcohol | 10.0 mg/l |
| Ethyl acetate | 90.0 mg/l |
| Ethylbenzene | 70.0 mg/l |
| Isobutanol | 30.0 mg/l |

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| Methylene chloride | 0.5 mg/l |
| Styrene | 20.0 mg/l |
| Toluene | 100.0 mg/l |
| Xylene | 1000.0 mg/l |

- (3) No free liquids as determined by the Paint Filter Liquids Test.
- (4) pH of solid in 10% solution not less than or equal to 2 or greater than 12.5.
- (5) Does not meet any of the federal Resource Conservation and Recovery Act criteria for listed or characteristic hazardous wastes.

f. Specific types of wastes requiring a Special Waste Authorization for disposal in a sanitary landfill.

(1) Industrial sludges: Analytical testing requirements include the Characteristic of Toxicity for all TC analytes, the Paint Filter Liquids Test, and pH. If solvents are used in the process which generates the sludge, the additional TC organics are required.

(2) Paint, stain, and varnish wastes (filters, overspray, sludges): Analytical testing requirements include the Paint Filter Liquids Test, Toxic Characteristic Leaching Procedure, pH, and the additional TCLP organics.

(3) Incinerator ash, fly ash, baghouse dust: Analytical testing requirements include the Toxic Characteristic Leaching Procedure.

(4) Sandblast waste: Analytical testing requirements include Toxic Characteristic Leaching Procedure and pH.

(5) Filtering media: Analytical testing requirements include Toxic Characteristic Leaching Procedure and pH.

(6) Sharps: Must be sterilized and disposed of in a rigid container. No analytical testing required.

(7) Other infectious wastes (except contaminated sharps): If sterilized by autoclaving (steam sterilization) must be sterilized in a bag manufactured for stability during sterilization. The bag must have a special tape in the upper one-third portion that will have black or dark brown lines running through it showing that sterilization took place after the tape was applied to the bag. If incinerated, must be rendered nonrecognizable. Other methods of rendering infectious waste nonpathogenic will be considered on a case-by-case basis. Testing requirements for methods other than sterilization (autoclaving) and incineration would be the characteristics of toxicity and corrosivity. In addition to the submission of analytical data the generator of the infectious waste would be required to submit data to the sanitary landfill operator to show that the infectious waste is no longer pathogenic.

(8) Pharmaceuticals and biological products: Labels listing chemical composition must accompany Form 46.

(9) Industrial process waste: Analytical testing requirements include Toxic Characteristic Leaching Procedure, pH, and Paint Filter Liquids Test.

(10) PCB-contaminated wastes: Analytical testing requirements include PCB content. Wastes having levels of PCB contamination above the federal maximum contamination levels shall not be authorized for disposal.

(11) Captan-treated seed bags: There are no analytical testing requirements but special handling is required at the sanitary landfill. Captan-treated seed should be recycled through an ethanol plant.

(12) Pesticide-contaminated wastes containing less than 10 ppm total pesticides.

(13) Polynuclear Aromatic Hydrocarbon (PAH)-contaminated soil may be disposed if the Total PAH level is below 500 ppm for

compounds: Acenaphthene, Acenaphthylene, Anthracene, Benzo(a)Anthracene, Benzo(a)Pyrene, Benzo(b)Fluoranthene, Benzo(g,h,i)Perylene, Benzo(k)Fluoranthene, Chrysene, Dibenzo(a,h)Anthracene, Fluoranthene, Fluorene, Indeno(1,2,3-cd)Pyrene, Napthalene, Phenanthrene, and Pyrene and the Total Carcinogenic PAH level is below 100 ppm for compounds: Benzo(a)Anthracene, Benzo(b)Pyrene, Benzo(b)Fluoranthene, Benzo(k)Fluoranthene, Chrysene, Dibenzo(a,h)Anthracene, Indeno(1,2,3-cd)Pyrene, Phenanthrene, and Pyrene. Methods to be used for determining these compounds are Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, November, 1986, Third Edition, U.S. EPA, SW-846 and additions thereto.

(14) Aflatoxin-contaminated wastes may be disposed at levels of 500 ppb or lower.

Date

Larry J. Wilson, Director

Alternatives Proposed Special Waste Authorization Rules

Alternative # 1

102.15(2) No special waste shall be delivered to nor disposed by a sanitary landfill unless explicit instructions are first obtained from the sanitary landfill operator, except that infectious waste which is generated and treated at a medical clinic, doctor's office, nursing care facility, health care facility, dentist's office or other similar facility may be placed with regular municipal solid waste and not handled in a special way if it is rendered nonpathological, does not contain free liquids, and sharps are contained in a rigid container or are shredded or blunted. The generator of infectious waste that is not handled under a special waste authorization must notify the waste hauler and the sanitary landfill that infectious waste is being placed with regular municipal solid waste.

Alternative # 2

102.15(2) No special waste shall be delivered to nor disposed by a sanitary landfill unless explicit instructions are first obtained from the sanitary landfill operator, except that contaminated sharps and other medical waste which is generated and treated at a medical clinic,

doctor's office, nursing care facility, health care facility, dentist's office or other similar facility may be placed with regular municipal solid waste and not handled in a special way if it is rendered nonpathological, does not contain free liquids, and sharps are contained in a rigid container or are shredded or blunted. The generator of contaminated sharps and other medical waste that is not handled under a special waste authorization must notify the waste hauler and the sanitary landfill that infectious waste is being placed with regular municipal solid waste.

Mr. Stokes explained the rules in detail and noted that another definition was added as "Other medical waste." He pointed out the two alternatives the Commission could add to the rule if they so desire. Mr. Stokes stated that these rules take the DNR out of the special waste authorization business and places the responsibility on the landfill operators.

Discussion followed.

Chairperson Hartsuck asked if the landfill operators would be as capable as the department in handling the SWAs.

Mr. Stokes replied that the landfill operators are fully capable of handling it.

Margaret Pahl asked if the rule could go to public hearing with both alternatives.

Director Wilson commented that it is a bad practice to go to hearing with options and the Commission should select an option.

Chairperson Hartsuck suggested that staff and the Commission jointly choose only one alternative to take to public hearing.

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CONTESTED CASE APPEAL--DELL OIL, LTD.

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On December 20, 1991, the Department issued Administrative Order No. 91-HC-08 to Dell Oil, Ltd. That action required Dell Oil to submit a remedial action plan, to implement necessary remedial action at the site described therein, and to pay a penalty of \$1,000.00. That action was appealed by Dell Oil, Ltd. and the matter proceeded to administrative hearing on May 19, and June 2 and 3, 1992. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on September 30, 1992. The decision affirms the Order in part and reverses it in part.

Both parties have appealed this Order to the Commission. The Proposed Decision, the Notices of Appeal, and the written briefs of the parties have been distributed to the Commissioners. The

entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Murphy stated that this case involves property in Sioux City which is allegedly contaminated with petroleum products. He noted that the ALJ decision confirms the Order in part and reverses in part, and both parties have appealed the decision.

Appointment - Doug Staskal

Doug Staskal, Counsel for Dell Oil, Ltd., addressed the Commission stating that there were two 4,000 gallon and two 10,000 gallon above-ground storage tanks located at the site from which gasoline and diesel fuel were dispensed. In August 1989, all four of the tanks were removed and there was no visible evidence of leakage although some soil samples showed some contamination. A large overexcavation was made and DNR then required Dell Oil to begin assessment and to find the scope of the contamination. Dell Oil retained a consultant in early 1990 and 13 holes were drilled, some were monitoring and some were bore holes. The consultant determined a probability that the contamination located on the Dell Oil site was at least being contributed to by some off-site sources. DNR was notified of this and some additional assessment was done. Based on these results and the historical use of the property, the consultant became convinced that the contamination, at least in part, was from an outside source. While the consultant was in the process of attempting to document potential other contributors, DNR issued an Administrative Order requiring Dell Oil to design and implement a remediation system within 30 days, and it also imposed a \$1,000 fine. The case went to hearing before an ALJ and the proposed decision was issued in September. Both parties appealed. The ALJ upheld the authority of the department to issue the order but reversed the fine. Dell Oil is appealing the portion of the decision which upheld the authority of the department to order immediate remediation. Mr. Staskal expanded on reasons Dell Oil is appealing the Order. He noted that with respect to 455B.388, there was no evidence that an emergency situation existed. Additionally, he contended that the authority to regulate and address contamination as a result of the operation of above ground storage tanks lies with the State Fire Marshall's Office. Mr. Staskal stated that under 455B.133, the department has some obligation to independently determine whether there are off-site sources, and once that is done, to then initiate the remediation process. He related that Dell Oil felt that DNR ordered them to do remediation immediately without resolving that issue. He discussed best available technologies and best management practices, differences in treatment of contamination caused by USTs compared to that caused by above ground tanks, and risk assessment rules applied to USTs that do not apply to above ground tanks. He noted that this difference in treatment enters the question as to whether the action taken to require immediate remediation below action levels is arbitrary and capricious. He added that the department is willing to discuss the prospect of doing a risk assessment even though the source is from above ground tanks. He also discussed the gravity, culpability, threat to environment, and penalty factors applied in this case. In conclusion, Mr. Staskal asked the

Commission to reverse the portion of the Order requiring immediate remediation and to uphold the portion of the Order which reverses the fine that was imposed by the department.

Brief discussion followed.

Dave Wornson, Compliance and Enforcement Bureau, stated that this was a lengthy and complex case, both legally and factually, and the department urges the Commission to adopt the Findings of Fact as stated in the Proposed Decision. He emphasized several elements of the factual findings in response to Doug Staskal's comments. He related that from the time the tanks were removed in 1989 there was a 35' x 35' x 18' deep overexcavation of contaminated soils in the northern portion of the Dell Oil property, which was beneath the old tank farm. There was a 6' x 6' x 18' overexcavation at the southern end of the property beneath where the dispenser islands had been located. Mr. Wornson pointed out that the ALJ found that the evidence was overwhelming that there was contamination on the property which was associated with that tank system. He related that this evidence has to be realized and accepted regardless of whatever attempts are made to raise the issue of off-site contributing sources. Mr. Wornson noted that one issue raised was the question of whether the department's hazardous condition authority hangs on the question of what constitutes an emergency under 455B.388. That section is often looked at as the authority for the department to use its enforcement powers under that section. Mr. Wornson stated that the department offered an alternative theory regarding the department's hazardous condition authority and he expanded on same. He stated that it is an accepted principle of administrative law that agencies have the implied authority to enforce regulations which are valid, in which they have the authority to promulgate. He urged the Commission to modify the proposed decision to explicitly state that regardless of the issue of whether there was an emergency or not, the department had the authority to enforce its validly promulgated administrative rules. Another issue raised was the department stated that the standard of liability under the hazardous condition law is strict liability, however, in 455B.392 that statement is in the context of when the department does cost recovery against parties who are responsible under that situation. He noted that the ALJ states it only applies to cost recovery and not to situations where injunctive relief is sought, and staff feel that is erroneous and should be stated as such. He related that in this case there is strict liability anyway and he expanded on that issue. Mr. Wornson stated that this case is consistent with the contested case procedure and it can be amended through the pleading process. He noted that the department is appealing the ALJ reversal of the \$1,000 penalty and discussed the rationale for the amount assessed. He related that staff disagree with the analysis that because the party has spent a lot of money and has done a lot of work that it indicates good faith and therefore is a defense to the penalty. He added that there are other elements of culpability. Mr. Wornson urged the Commission to assess the issue of whether a penalty should be assessed and how much, and to modify the analysis to reflect a more proper assessment of how the penalty is assessed.

Clark Yeager asked if the department is requiring Dell Oil to clean up to UST rules or to the hazardous condition rules.

Mr. Wornson stated that the Administrative Order and the Proposed Decision requires that they submit a remedial action plan under Chapter 133, which is the hazardous condition rules. He

noted that the same corrective action standards are applied for above ground situations as for USTs.

Mr. Staskal stated that the rules have some flexibility to allow not cleaning up below action levels if there are unusual circumstances. He related that the department held out no hope that there were any unusual circumstances, therefore Dell Oil would have been required to address, in their remediation plan, a system that would clean up below action levels. He added that it seemed to him that the department was saying to begin clean up and if they determine later, not that it needs to be cleaned to a different level, but that if there are other sources of contamination, then they will give some relief by requiring someone else to participate.

Director Wilson stated that if that is the case, it would out of the ordinary from the department's usual approach to contaminated site problems. He related that the first step is to ask for is a site assessment which is followed by an analysis on the extent and severity of the problem, and then it is taken through the process of getting it remediated.

A very lengthy discussion followed regarding clean up requirements; the type of site assessment data needed by the department if they were to classify the site under UST rules; corrective action standards; the "acting in good faith" issue; data needed to determine off-site sources; and the need for site assessment plans to determine the amount of remediation needed.

Margaret Prah1 commented that she finds it hard to accept the "no authority" portion of the argument.

Chairperson Hartsuck asked Mr. Staskal if it would be, in his view, an option to submit a remediation plan recognizing some special circumstances.

Mr. Staskal replied that that would be an option. He related that he has recently talked with staff about meeting and looking at options and that is always an alternative.

Margaret Prah1 asked if 30 days to work something out would work.

Mr. Staskal stated that it would be worthwhile to meet with the department to see what both parties are willing to do.

Dave Wornson stated that the department is trying to be flexible in figuring out a way to accomplish what needs to be done. He added that there is room for settlement, but this case represents some good, solid basic law and facts and the Commission should rule on it to make it known to the regulated community what the law is. He noted that these cases do create policy implications for the department and they do have weight because lawyers and the regulated public look to them as statements of law.

Mr. Murphy reiterated that the Commission may affirm the ALJ decision as it is, they may modify it and adopt any of the changes proposed by either party. If the Commission modifies or

reverses it they need to state reasons where they differ in erroneous factual findings or erroneous interpretations or conclusions of law.

William Ehm stated that the ALJ took four months to come to a decision after hearing the case and he would like to study it further as he is not prepared to vote on it today.

Margaret Prah1 agreed with Commissioner Ehm noting that it is a complex legal issue and she would also like more time to review it.

Chairperson Hartsuck indicated that he would also like to re-read the brief now after hearing the arguments.

Motion was made by Margaret Prah1 for the Commission take this case under advisement and discuss their conclusions at next month's meeting. Seconded by William Ehm. Motion carried unanimously.

Chairperson Hartsuck clarified that this means there would not be an opportunity to ask more questions or hear evidence or arguments next month, and the discussion would be based on the written briefs and what was heard today.

Margaret Prah1 stated that that is what she intended, not to continue the hearings and also not to bind the Commission to make a decision next month.

DELAYED FOR FURTHER DISCUSSION NEXT MONTH

NOTICE OF INTENDED ACTION--CHAPTER 135, UST ABILITY TO PAY

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Director requests Notice of Intended Action for the attached amendment to Chapter 135, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks." The proposed amendment adds a new subrule 135.11 that provides a mechanism for evaluating the financial condition of individual and corporate owners and operators of underground storage tanks who claim a financial inability to comply with corrective action and closure of underground storage tanks under Chapter 135.

The department is required to determine a responsible party's ability to pay as one of a number of conditions which authorize the use of "Federal LUST Trust Fund" monies for corrective action as provided in 42 U.S.C. 6991b(h)a and the department's cooperative agreement with the federal Environmental Protection Agency. Evaluation of a responsible party's financial ability will assist the department in planning decisions including enforcement options.

ENVIRONMENTAL PROTECTION COMMISSION[567]
Notice of Intended Action

Pursuant to the Authority of the Iowa Code section 455B.474, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 135, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks." The proposed amendment adds a new subrule, 135.11, that provides a mechanism for evaluating the financial condition of individual and corporate owners and operators of underground storage tanks (USTs) who claim a financial inability to comply with corrective action and closure of USTs under Chapter 135.

The Iowa Department of Natural Resources (department) through a "cooperative agreement" with the Federal Environmental Protection Agency receives monies from the Federal LUST Trust Fund as authorized in 42 U.S.C. 6991b(h)(7). The department is authorized to use these funds to conduct corrective action at petroleum contaminated underground storage tank sites where the responsible party is unknown, recalcitrant, or financially unable to complete the necessary corrective actions. The department is also required to engage in cost recovery of federal LUST Trust fund expenditures against responsible parties taking into account a number of factors including the parties' financial condition.

The determination of financial inability is not a condition entitling the responsible party to the use of Federal LUST Trust monies nor is it intended to create any expectation that a particular site will or can be cleaned up with these limited federal funds. It is merely one of the several contractual conditions which must be documented to the EPA in order to authorize the use of Federal LUST Trust Fund monies. A department decision to use or not to use LUST Trust Fund monies to address contamination on any particular site is entirely discretionary with the agency.

The department intends to use the information regarding financial ability to conduct regulatory obligations in making other department planning decisions including enforcement options. When a responsible party claims financial inability, the party will be asked to document it as provided under the rule. The department will use this information in combination with other factors to determine if further enforcement action is warranted either administratively or judicially.

The department wishes to clarify that any determination as to financial inability or ability to conduct an activity is wholly discretionary and is not intended to constitute a defense to liability or in any way relieve a responsible party of regulatory or statutory duties. The decision itself does not create an entitlement to defer or suspend enforcement nor is it intended to create an expectation interest subject to review.

Individuals, with or without active businesses (including but not limited to sole proprietorships and general partnerships), would be evaluated using the "Individual Ability to Pay Guidance" dated June 19, 1992. This document was prepared under a grant from the U.S. Environmental Protection Agency (EPA) Region VII. Corporations would be evaluated using the July 1991 version of "ABEL", which is a computer based evaluation method developed by the U.S. EPA.

Any interested party may submit written comments to the attention of Keith Bridson, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue,

Des Moines, Iowa 50319 or by FAX number 1-515-281-8895, no later than Tuesday, April 13, 1993.

There will also be a public hearing on these proposed amendments on Tuesday, April 6, 1993 at 1:00 P.M. in the east half of the fifth floor conference room in the Wallace State Office Building, Des Moines, Iowa.

This rule may have an impact on small businesses as provided in Iowa Code section 17A.31.

These proposed amendments are intended to implement Iowa Code section 455B.474.

ITEM 1. Add the following new subrule 135.11:

567--135.11(455B) Evaluation of Ability to Pay.

135.11(1) General. The ability to pay guidance procedures referenced in this rule will be used by the department when an owner or operator of an UST claims to be financially unable to comply with corrective action requirements under 135.7 and 8 or closure investigation requirements under 135.9. If an owner or operator of a regulated underground storage tank claims to be financially unable to meet these departmental requirements, that responsible party must provide documentation of their finances on forms provided by the department in order for the department to act on the claim of financial inability.

135.11(2) The financial ability of individual owners and/or operators of underground storage tanks, with or without an active business, (including but not limited to sole proprietorships and general partnerships), shall be evaluated using the "Individual Ability to Pay Guidance" document dated June 19, 1992.

135.11(3) The financial ability of corporate owners and/or operators of underground storage tanks shall be evaluated using the June 1992 version of "ABEL" developed by the U.S. Environmental Protection Agency.

135.11(4) Federal LUST Trust Fund. The financial ability of owners and operators of underground storage tanks shall be evaluated for the purpose of determining if the department is authorized to use federal LUST Trust Fund monies as provided in the current cooperative agreement with the U.S. Environmental Protection Agency, Region VII. A determination of financial inability does not create an entitlement or any expectation interest on behalf of an owner or operator that Federal LUST Trust Fund monies will be used for corrective action at any individual site.

135.11(5) The evaluation of financial ability will also be used by the department in making other administrative planning decisions including but not limited to decisions as whether to pursue and when to pursue administrative or judicial enforcement of regulatory and statutory duties and the assessment of penalties. A determination of financial inability does not create an entitlement or expectation interest that enforcement actions will be deferred or suspended. The evaluation of this factor is only one of the many affecting the department's fully discretionary decisions regarding enforcement options and program planning.

135.11(6) An evaluation of financial inability to comply as provided in this rule does not relieve any owner or operator of legal liability to comply with department rules or Iowa Code chapter 455B or to provide a defense to any legal actions to establish liability or enforce compliance.

Mr. Stokes gave a brief review of the rule.

Discussion followed regarding ABEL, EPA's computer based evaluation method.

Motion was made by Margaret Prahl to approve Notice of Intended Action--Chapter 135, UST Ability to Pay. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

PETITION FOR RULEMAKING - ALLIANCE FOR RESPONSIBLE CFC POLICY

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached is a Petition for Rulemaking to update our air quality rules to conform to the federal definition of volatile organic compound (VOC). We request that the Commission grant the Petition and approve the attached Notice of Intended Action.

(Petition and Notice of Intended Action shown on the following 6 pages)

ALLIANCE FOR RESPONSIBLE CFC POLICY

2111 WILSON BOULEVARD, SUITE 850
ARLINGTON, VIRGINIA 22201
(703) 243-0344

FAX (703) 243-2874

December 16, 1992

PETITION REQUESTING COMMENCEMENT OF RULEMAKING:

**To Amend the Definition of "Volatile Organic Compound" (VOC)
for the Purposes of the State Implementation Plan Under the Clean Air Act**

The Alliance for Responsible CFC Policy (the "Alliance") is a coalition of companies that produce chlorofluorocarbons ("CFCs"), hydrochlorofluorocarbons ("HCFCs"), and hydrofluorocarbons ("HFCs"); and manufacture products that use these chemicals. It was organized in 1980 to coordinate industry participation in development of reasonable international and domestic policies concerning the regulation of CFCs and the protection of the ozone layer. The Alliance is dedicated to the prompt development and utilization of alternatives for CFCs and halons such as those alternatives we request be added to the list of chemicals expressly excluded from the definition of VOC.

The Alliance hereby requests that you begin rulemaking proceedings to amend the definition of "Volatile Organic Compound" set forth in the state's regulations in order to make it consistent with the policy of the U.S. Environmental Protection Agency (EPA), and to submit it to EPA as a revision. Such amendment would add the following nine compounds to the list of substances (set forth in the text of the definition) which are expressly excluded from the definition of "Volatile Organic Compound":

1. Dichlorotrifluoroethane (HCFC-123)
2. Tetrafluoroethane (HFC-134a)
3. Dichlorofluoroethane (HCFC-141b)
4. Chlorodifluoroethane (HCFC-142b)
5. Chlorotetrafluoroethane (HCFC-124)
6. Pentafluoroethane (HFC-125)
7. Tetrafluoroethane (HFC-134)
8. Trifluoroethane (HFC-143a)
9. Difluoroethane (HFC-152a)

In addition, the Alliance requests that you also add the following four classes of perfluorocarbon (PFC) compounds to the list of substances which are expressly excluded from the definition of "Volatile Organic Compound":

1. Cyclic, branched, or linear, completely fluorinated alkanes;
2. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
3. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
4. Sulphur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

The above-mentioned nine compounds and four classes of perfluorocarbon compounds are important alternatives for certain uses of ozone-depleting CFCs and halons. By amending the state's regulations in this manner, the state would remove regulatory and economic impediments to the use of these alternatives. Research, development and marketing of these alternative compounds will be facilitated. The necessity for prompt substitution is

recognized on a national and an international basis, to reduce the potential harm to health and the environment that could follow from depletion of the protective stratospheric ozone layer. See, e.g., 53 Fed. Reg. 30566 (August 12, 1988), and 57 Fed. Reg. 33754 (July 30, 1992) (final rules implementing the Montreal Protocol).

The Alliance believes that this petition is supported by the position of the U.S. EPA in its Final Rule excluding a number of compounds from the definition of VOC on the basis that they are negligibly reactive and do not contribute to tropospheric ozone formation. See 57 Fed. Reg. 3941-46 (February 3, 1992) (attached as Appendix 1).

This Final Rule states that the new definition of VOC excludes each of the nine compounds as well as the four classes of perfluorocarbon compounds stated above. The Final Rule states that the new definition of VOC will now govern EPA's consideration of negligibly-reactive VOC's in state implementation plans. The Final Rule states that EPA will neither approve nor enforce measures controlling negligibly-reactive compounds as part of a federally-approved state implementation plan.

In addition, supporting documentation is contained in previous EPA Policy Statements regarding the exemption of compounds from regulation under state implementation plans. In 54 Fed. Reg. 1987 (January 18, 1989) (attached as Appendix 2), EPA's decision to exempt four of the CFC alternatives, namely HCFC-123, HFC-134a, HCFC-141b, and HCFC-142b, rested on two findings:

1) these four chemicals are negligibly reactive Volatile Organic Compounds (even less reactive than some other chemicals already on the list of exempt substances); and

2) the effect of adding these four chemicals to the exempt list "will be to facilitate the transition away from stratospheric ozone-depleting chemicals without adversely affecting efforts to control ground-level ozone concentrations."

Support for the Alliance's petition is found also in an EPA Policy Statement at *56 Fed. Reg. 11418 (March 18, 1991)* (attached as Appendix 3) which exempted the remaining CFC alternatives from regulation under state implementation plans, namely, HCFC-124, HFC-125, HFC-134, HFC-143a, HFC-152a, and the four classes of perfluorocarbon compounds. In the statement, EPA says that there is a strong need to remove any unnecessary regulatory obstacles to the development and use of environmentally-acceptable CFC substitutes that have little or no impact on stratospheric ozone depletion and have potential uses as CFC substitutes.

Compelling reasons exist for the state to grant the requests herein as soon as possible. First, the exemptions are necessary to eliminate undue confusion resulting from the conflicting treatment of these compounds under the SIP VOC definition as compared to EPA's regulatory definition. Specifically, these compounds are treated as VOCs under the SIP definition, but EPA has already stated that it will not enforce any such controls on these compounds. By taking the actions requested herein, the state can provide certainty to the regulated community.

Secondly, under current SIP definition, facilities can receive VOC emission reduction credits for reducing emissions of the above alternative compounds, but the state will not in turn be granted from U.S. EPA any similar credit towards its own VOC attainment goals as a result of such reductions. This skewing of VOC attainment policy will be eliminated through the requested actions. Finally, the exemptions will promote protection of stratospheric ozone by facilitating the use of approved alternatives.

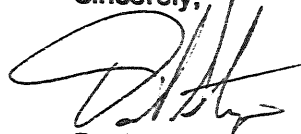
In further support of the Alliance's request for rulemaking, we have enclosed the technical data and other information submitted to EPA by the Alliance in 1988 (attached as Appendix 4) and in 1990 (attached as Appendix 5). This information formed an important part of the administrative record supporting EPA's decisions to amend its "Recommended Policy on the Control of Volatile Organic Compounds", and ultimately its definition of VOC. If these materials raise any questions, or if you have questions for any other reason, we would be glad to submit further data during the public comment period.

Secondly, the Alliance requests you to consider a second amendment to the definition of "Volatile Organic Compound". The Alliance proposes that you add the phrase "and any other organic compounds determined to be negligibly reactive and appropriate to be exempt from regulation under state implementation plans to attain the national ambient air quality standards for ozone." This phrase would allow the state to incorporate by reference future amendments to EPA's definition of VOC without the need for initiating new rulemaking proceedings at the state level. This provision would prevent delays in the use of new alternatives for CFCs.

Without this provision, it will be necessary to initiate new rulemaking proceedings at the state level every time a new substitute for a CFC is approved by EPA for exemption from the definition of "Volatile Organic Compound". Such new proceedings would consume state resources, and provide little benefit because EPA will have already considered the same question.

If you have any questions or comments with regard to this petition, please do not hesitate to call me at (703)243-0344.

Sincerely,



David Stirpe
Legislative Counsel
Alliance for Responsible
CFC Policy

(Notice of Intended Action is shown on the following 2 pages)

ENVIRONMENTAL PROTECTION COMMISSION (571)

Notice of Intended Action

*Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

*Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of the Iowa Code section 455B.133(2), the Environmental Protection Commission gives Notice of Intended Action to amend 567 Iowa Administrative Code section 20.2, "Definitions." This section is part of the Commission's rules relating to Air Quality.

This amendment adopts by reference the United States Environmental Protection Commission's recently revised definition of Volatile Organic Compounds (VOCs).

This amendment is proposed in response to a Petition for Rulemaking filed with the Iowa Department of Natural Resources by the Alliance for Responsible CFC Policy, which is a coalition of companies that produce chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs); and manufacture products using these chemicals. The petition for rulemaking requests the adoption of a rule exempting from the definition of VOCs certain compounds which are alternatives to CFCs and halon. It further requests submission of the new rule as a State Implementation Plan (SIP) revision. The petitioner argues that this change would be consistent with the United States Environmental Protection Agency's (USEPA's) current policy of not considering negligibly-reactive VOCs in SIPs. The petitioner argues that the proposed amendment would remove economic impediments to the use of these alternatives by facilitating the research, development, and marketing of these alternative compounds. Prompt substitution, argues petitioner, would reduce the potential harm to health and the environment that could result from depletion of the stratospheric ozone layer.

The petitioner also has requested the addition of language allowing Iowa's administrative rules to incorporate by reference future amendments to USEPA's definition of VOCs.

The Commission proposes to adopt the USEPA's definition of VOCs found at 40 C.F.R. 51.100(s) by reference. The text of the USEPA rule may be found at 57 Fed. Reg. 3941 (February 3, 1992). The USEPA states in its comments accompanying the text of the rule that the new definition will govern USEPA's consideration of negligibly-reactive VOCs in ozone SIPs, and that USEPA will neither

approve nor enforce, as part of a federally-approved ozone SIP, measures controlling compounds that USEPA has found to be negligibly reactive. USEPA also has stated that states should not include these compounds in their VOC emission inventories and may not take credit for controlling these compounds in their ozone control strategy. Further, USEPA has stated that negligibly-reactive compounds may not be used for emissions netting, offsetting, or trading with reactive VOCs.

The Iowa Department of Natural Resources regulates VOCs as part of its Prevention of Significant Deterioration (PSD) of Air Quality Program and as part of its SIP relating to ozone. The Iowa Administrative Code presently does not contain a definition of VOCs. Therefore, the Commission proposes to adopt the federal definition.

Regarding the petitioner's request that the Commission amend its rules to add language allowing Iowa's administrative rules to incorporate by reference future amendments to USEPA's definition of VOCs, the Commission will not amend its rules in this manner because the Commission may not delegate to the USEPA its authority to create state administrative rules.

Any interested person may make written suggestions or comments on the proposed amendment on or before April 6, 1993. Written materials should be directed to Anne Preziosi, Iowa Department of Natural Resources, Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034. There will be a public hearing at 1:30 p.m. on April 8, 1993, in the Fourth Floor East Conference Room, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa, at which times persons may present their views either orally or in writing.

This amendment may impact small businesses. This amendment is intended to implement Iowa Code section 455B.133(2). The following amendment is proposed.

ITEM 1. Amend rule 20.2 by adding the following unnumbered paragraph:

"Volatile organic compound" means any compound included in the definition of volatile organic compound found at 40 C.F.R. section 51.100(s), as amended through February 3, 1992.

Mr. Murphy explained that the rules provide a definition of volatile organic compounds and includes a list of chemicals that are exempt from the definition. This helps companies to know what the danger is so they can produce the right product.

Charlotte Mohr asked about the Alliance's membership and how many members they have.

Mr. Murphy stated that he does not know their membership but staff felt these were good rules.

Motion was made by Margaret Prahl to approve the Petition for Rulemaking by the Alliance for Responsible CFC Policy. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 212, LOANS FOR WASTE REDUCITON AND RECYCLING (CONTINUED)

Ms. Hay distributed the following language changes for inclusion in the rules:

567--212.3(455B) Definitions.

1) ADDITION

"Iowa business" means any business located in and conducting business in Iowa.

2) NEW WORDING

567--212.11(455B) Ineligible costs. Loan funds may not be used for items includign the following:

3) NEW WORDING

567--212.14(455B) Selection criteria. The department will evaluate applications and applicants will be awarded loans based on the following selection criteria. The selection criteria include:

Consensus of the Commission was to delete the # 1 additon and instead, change 567--212.2(455B) to remove the words "eligible Iowa" from the first sentence, then add at the end of the first paragraph "such activities to incur within the State of Iowa." The Commission agreed to approve new wording # 2 and #3 as presented.

Motion was made by William Ehm to approve the language change distributed by Teresa Hay and to include the wording amendments in 212.2(455B). Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS AMENDED

CONTESTED CASE APPEAL--P&B RENTAL CORP., ET.AL.

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On August 14, 1990, the Department issued Administrative Order No. 90-UT-10 to P & B Rental Corp., Carl Hankenson, Jerry Krause d/b/a RAJAK, Inc., and Wilber Numelin d/b/a Lake View Enterprises. That action required the parties to properly close underground storage tanks. That action was appealed by the parties other than P & B Rental, and the matter proceeded to administrative hearing on June 4, 1991. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on September 9, 1991. The decision reversed the Order as to the appealing parties.

The department has appealed this order to the Commission. As indicated in the attached Joint Motion to Dismiss, the original Order and the issues raised on appeal have become moot, for the reasons stated in the Motion. The parties therefore desire to dismiss the appeal and have agreed that in dismissing the appeal the Commission should expressly state that it is not adopting the proposed decision.

Mr. Murphy briefed the Commission on the history of this case. He noted that all parties have entered into a joint Motion to Dismiss and asked the Commission's approval to do so.

Motion was made by Margaret Prahl to approve the Motion to Dismiss the appeal and not adopt the proposed decision. Seconded by Clark Yeager. Motion carried unanimously.

APPROVED MOTION TO DISMISS

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Tony Hoyt d/b/a Lake Wilderness (Lee Co.) - Solid Waste
- b. William D. Ames (Woodbury Co.) - Solid Waste

Tony Hoyt d/b/a Lake Wilderness

Mr. Murphy briefed the Commission on the history of this case involving improper disposal of household garbage at Lake Wilderness.

Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Margaret Prahl. Motion carried unanimously.

REFERRED

William D. Ames

Mr. Murphy briefed the Commission on the history of this case involving improper disposal of solid waste.

Motion was made by Margaret Prahl for referral to the Attorney General's Office. Seconded by William Ehm. Motion carried unanimously.

REFERRED

LEGISLATION UPDATE

Don Paulin, Deputy Director, presented the following status on bills of interest to the department. He noted that the boxed items are DNR bills and the shaded area indicates a Governor's bill.

**BILLS of
....INTEREST**

| DESCRIPTION | BILL # | COM #1 | COM #2 | FIRST VOTE | 2ND VOTE | AMEND ON FLR? | COMMENTS | GOV'NRS ACTION |
|---|--------|--------|--------|------------|----------|---------------|----------|----------------|
| Air Quality correction | HSB119 | | | | | | | |
| Agri enterprise zones, nuisance suits | HSB96 | | | | | | | |
| | S11 | YES | | 38-6 | | | | |
| Annexation of sanitary district (Bartz) | S17 | | | | | | | |
| Biodiversity (Osterberg) | HF6 | | | | | | | |

January 1993

Environmental Protection Commission Minutes

Bottle bill changes,
but carton milk
(Lundby) H123

Bottle Bill expand def
& flattened cans none
yet

Staff bill

Budget, biennial HSB52

Budget, DALS & HSB53
..DNR, solid waste
..fees SSB12

Budget, GAAP deficit HSB14
SF81

Budget, SSB57

Chemical emergency
fund (Rosenberg) S82

Code editors, non H112?
..substantive SSB50?
SSB14
SF75?

Constitution Amendm HJR3
F & G Trust

Drugs near parks, SJR2 46-3
..schools (Brauns) H64

Employee appointees H178
may attend meetings
(Lundby)

Energy conserv trust H137 yes
..was HSB30

Energy conservation H82
..trust (Garman)

Energy customer SSB48
contribution fund limit H75
(Rod Halvorson)

Envelopes, windows H37
..prohibited (Fallon)

Environmental none
Protection Fund

Ethanol stickers not H88
..on some vehicles
..(Cohn)

Ethanol support to HJRS yes 94-1
Congress, etc.

Ethics revisions HSB31
H144

Federal block grant SSB59

Ginseng harvest H89
penalties
(Da..Hanson)

E93Jan-66

Environmental Protection Commission Minutes

January 1993

| | | |
|--|----------------|-------------------------------|
| Ginseng Harvesting penalties | HSB124 | |
| Goose hunting hours (Gronstal) | S84 | |
| Goose hunting hours (McLaren) | S73 | |
| Handicap parking, etc. | HSB2 | |
| | SSB36 | |
| Implied Consent, DNR bill | HSB29 | N R |
| | SSB79 | Judic |
| Implied consent, and other OWI's omnibus --(Meyer) | H25 | Governor's...see DNR's, HSB29 |
| | SSB21 | |
| Implied consent, general (Garman) | H86 | |
| Inerts registration (Fallon) | H38 | |
| Licenses D.A.V. free lifetime H& F (Fallon) | H150 | |
| Landfills--not dispose of polysty pk(Fallon) | H69 | |
| Lawn chemical, govt not use (Fallon) | H74 | |
| Lead inspector, train and certify (Berneau) | H179 | |
| Licenses by subscription (Varn) | S6 | |
| LP Gas containers | HSB37 SSB66 | |
| Mandates by state | HSB32 | |
| Minnow transport for personal use | HSB125 | |
| Motor fuel lead ban (Fallon) | H78 | |
| Moratorium infectious ..waste, etc ..(Henderson) | H127 SSB116 | |

E93Jan-67

January 1993

Environmental Protection Commission Minutes

| | | | |
|---|-------------|-----|-------|
| Neglected animals | | | |
| | SSB70 | | |
| Non-Game species protection | HSB127 | | |
| Open meetings ...expansion | HSB47 | | |
| Packaging reduction | HSB94 | | |
| | SSB97 | | |
| Park, rec. preserve area buffer zone | HSB106 | | |
| Pay & Pers. Records; some public | SSB31 | | |
| Pesticide -Fert. Pre-emption | HSB94, 1 | | |
| | S94 | | |
| Pesticide signs, increase- 3"x11 1/2" (Fallon) | H130 | | |
| Pesticide applicators certification (Fogarty) | H167 | | |
| Petroleum O'Charge | HSB57 | | |
| Purple Martin capitol, COUNCIL BLUFFS | SCR5 | YES | 26-17 |
| Purple Martin Capitol SHELBY (Hester) | SCR1 | | |
| Rail ties creosoted, are Haz Waste (Da. Hanson) | H61 | | |
| Re-cy procurement by Local Govt | none | | |
| Rules-Depts purchase for law library | HSB5 | | |
| Rural Water draw Fed \$ (VandeHoef) (Rensink) | H133 S71 | | |
| Re-cy; apts. and other buildings - space | HSB121 | | |
| Snowmobile; flag not necessary (May) | H165 | | |

E93Jan-68

Environmental Protection Commission Minutes

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| | |
|----------------------------------|-------------------------|
| Stormwater technical correction | none |
| State land-water rule violations | none HSB 126 |

State Fair approp..

Stream protection
..(Fallon) SF37
HF53

Sunset of trust funds,
MFT, etc. extnd indef. HSB60
SSB63

Governors bill

Tire rubber in asphalt
..paving (Kersten) S30

Trapping ban, roads
and fences (Murphy)

S104

Utility audits
(Osterberg) H4
SSB58

Volunteer liability
immunity (Borlaug)

SF34

Waste exchange
newsletter (Fallon)

H132

Wastewater; elimin.
10 year moratorium HSB115

Staff bill

Weapons and
Alcohol

Wildlife damage
management SSB112
SSB88

Waste oil disposal, all
who sell must take SSB105
HSB110

W.R.A. P. replace fed
funding HSB118

revised 2-15-93

Border indicates a
DNR bill

shading indicates a
Governors bill

Discussion followed.

INFORMATIONAL ONLY

E93Jan-69

ADDRESS ITEMS FOR NEXT MEETING

Dell Oil Contested Case Discussion
E-Team Costs
Conflict of Interest/Sales and Services Rule
Future Meeting - Tour Tree Farm


NEXT MEETING DATES

March 15, 1993
April 19, 1993
May 17, 1993

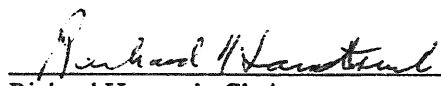
ADJOURNMENT

Motion was made by Margaret Prahl to adjourn the meeting. Seconded by William Ehm. Motion carried unanimously.

With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 4:05 p.m., Monday, February 15, 1993.



Larry J. Wilson, Director



Richard Hartsuck, Chairperson



Nancy Lee Siebenmann, Secretary

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File Name: *ADM-1-1-1 EPC Meeting Feb 1993*
MEETING AGENDA
ENVIROners initials: *[Signature]*
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
February 15, 1993

Meeting convenes at 10:00 a.m., Monday, February 15, 1993, in the fourth floor conference room.

Public Participation

10:30 a.m.

APPOINTMENTS:

Larry Bean, Energy Efficiency & Renewable Energy

11:00 a.m.

Dell Oil Company (Item #13)

1:30 p.m.

1. Approve Agenda.
2. Approve Minutes of January 19, 1993.
3. Director's Report. (Wilson) Information.
4. Financial Status Report. (Kuhn) Information.
5. Notice of Intended Action--Chapter 213, Packaging: Heavy Metal Content. (Hay) Decision.
6. Notice of Intended Action--Chapter 212, Loans for Waste Reduction and Recycling. (Hay) Decision.
7. Final Rule--Chapter 211, Grants for Regional Collection Centers for Household Hazardous Materials. (Hay) Decision.
8. Monthly Reports. (Stokes) Information.
9. Proposed Rule--Chapters 100 and 102, Special Waste Authorizations. (Stokes) Information.
10. Notice of Intended Action--Chapter 135, UST Ability to Pay. (Stokes) Decision.
11. Petition for Rulemaking - Alliance for Responsible CFC Policy. (Stokes) Decision.
12. Contested Case Appeal--P&B Rental Corp., et al. (Stokes) Decision.
13. Contested Case Appeal--Dell Oil Ltd. (Stokes) Decision.

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- 14. Referrals to the Attorney General (Stokes) Decision.**
 - a) Tony Hoyt d/b/a Lake Wilderness (Lee County)**
 - b) William D. Ames (Woodbury County)**
- 15. General Discussion.**
- 16. Address Items for Next Meeting.**

NEXT MEETING DATES:

March 15, 1993

April 1², 1993

May 17, 1993

NAME Craig "Pete" Duffy
ADDRESS P.O. Box 217 Marshalltown Ia
50152
REPRESENTING ISOSWO
SUBJECT: Item # 9
SWA's
Bob Mulgreen

542-0491

ENVIRONMENTAL PROTECTION COMMISSION

Monday, February 15, 1993

| NAME | COMPANY OR AGENCY | CITY |
|-----------------------|---------------------------|-----------------|
| (PLEASE PRINT) | | |
| Richard Primrose | Grad Student | Ames |
| Craig "PETE" Duffy | ISOSWO | Marshalltown |
| Marcia Beeler | ISOSWO | Winterset |
| DAK VEST | GROWMARK, INC | Bloomington, IL |
| Amy Christensen Couch | Sullivan & Ward | DM |
| Rick Kelley | UHL | Iowa City |
| John Eichelberger | Shuler, Landest Hunter | Muscatine |
| Linda Kadings | J. Hornum | DSM |
| Jack Clark | ILH | DSM |
| Perry Beeman | D.m. Register | Des Moines |
| Scott Young | Nyeaster | " |
| Vern Beachy | Radio Iowa | DSM |
| Chuck Becker | Belin Law Firm | DSM |